

ELECTION LAW MODIFICATIONS

2008 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill modifies provisions of the Election Code.

Highlighted Provisions:

This bill:

- ▶ consolidates provisions for dates that fall on a Saturday, Sunday, or legal holiday to be extended to the next business day;
- ▶ clarifies procedures for counting election related days by providing that the specified date from which the count is made is not included in the count;
- ▶ consolidates the time for the lieutenant governor's certification of candidates, ballot measures, and other matters to a single date;
- ▶ modifies the date for circulation of the voter information pamphlet to accommodate the early voting period;
- ▶ provides alternative deadlines for submissions to the voter information pamphlet to accommodate voter information pamphlets issued for elections other than the regular general election;
- ▶ modifies language to clarify differences between a statewide voter information pamphlet and a local voter information pamphlet;
- ▶ provides a definition to clarify disclosure requirements for candidates that own media outlets;
- ▶ modifies inaccurate references to reporting years for campaign finance reports;
- ▶ establishes residency requirements for state and local boards of education; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

33 AMENDS:

- 34 **20A-1-401**, as last amended by Laws of Utah 1993, Chapter 228
- 35 **20A-2-102.5**, as last amended by Laws of Utah 2007, Chapter 285
- 36 **20A-2-201**, as last amended by Laws of Utah 2007, Chapter 285
- 37 **20A-3-404**, as last amended by Laws of Utah 2006, Chapter 264
- 38 **20A-4-101**, as last amended by Laws of Utah 2007, Chapter 75
- 39 **20A-4-306**, as last amended by Laws of Utah 2007, Chapter 75
- 40 **20A-5-409**, as last amended by Laws of Utah 2003, Chapter 77
- 41 **20A-6-301**, as last amended by Laws of Utah 2006, Chapter 326
- 42 **20A-6-303**, as last amended by Laws of Utah 2007, Chapter 198
- 43 **20A-7-103**, as last amended by Laws of Utah 2007, Chapter 238
- 44 **20A-7-209**, as last amended by Laws of Utah 2005, Chapter 236
- 45 **20A-7-503**, as last amended by Laws of Utah 2007, Chapter 78
- 46 **20A-7-701**, as last amended by Laws of Utah 1997, Chapter 215
- 47 **20A-7-702**, as last amended by Laws of Utah 2005, Chapter 236
- 48 **20A-7-703**, as enacted by Laws of Utah 1995, Chapter 1 and last amended by Laws of
- 49 Utah 1995, Chapter 153
- 50 **20A-7-705**, as last amended by Laws of Utah 1999, Chapter 116
- 51 **20A-7-706**, as last amended by Laws of Utah 2001, Chapter 65
- 52 **20A-9-201**, as last amended by Laws of Utah 2007, Chapters 83, and 97
- 53 **20A-9-202**, as last amended by Laws of Utah 2005, Chapter 71
- 54 **20A-9-203**, as last amended by Laws of Utah 2007, Chapters 83, 97, and 256
- 55 **20A-9-403**, as last amended by Laws of Utah 2006, Chapter 16
- 56 **20A-9-601**, as last amended by Laws of Utah 2006, Chapter 264
- 57 **20A-9-701**, as last amended by Laws of Utah 2007, Chapters 97, and 238
- 58 **20A-9-802**, as last amended by Laws of Utah 2006, Chapter 355
- 59 **20A-9-803**, as last amended by Laws of Utah 2007, Chapter 97
- 60 **20A-11-101**, as last amended by Laws of Utah 2004, Chapter 90
- 61 **20A-11-102**, as enacted by Laws of Utah 1995, Chapter 1
- 62 **20A-11-203**, as last amended by Laws of Utah 1997, Chapter 355
- 63 **20A-11-302**, as last amended by Laws of Utah 1997, Chapter 355

64 **20A-11-506**, as last amended by Laws of Utah 1997, Chapter 355

65 **20A-11-601**, as last amended by Laws of Utah 2006, Chapter 226

66 **20A-11-801**, as last amended by Laws of Utah 2006, Chapter 226

67 **20A-11-1302**, as enacted by Laws of Utah 1997, Chapter 355

68 **20A-12-201**, as last amended by Laws of Utah 2001, Chapter 308

69 **20A-14-103**, as repealed and reenacted by Laws of Utah 2001, Second Special Session,
70 Chapter 2

71 **20A-14-202**, as last amended by Laws of Utah 2003, Chapter 315

72

73 *Be it enacted by the Legislature of the state of Utah:*

74 Section 1. Section **20A-1-401** is amended to read:

75 **20A-1-401. Election laws -- Liberally construed -- Computation of time.**

76 (1) Courts and election officers shall construe the provisions of Title 20A, Election
77 Code, liberally to carry out the intent of this title.

78 (2) Except as provided under Subsection (3), Saturdays, Sundays, and holidays shall be
79 included in all computations of ~~[time]~~ days made under the provisions of Title 20A, Election
80 Code.

81 (3) Unless otherwise specifically provided under this Title 20A, if a date specified
82 under this title falls on a Saturday, Sunday, or legal holiday, the following business day shall be
83 used.

84 (4) Unless otherwise specifically provided under this Title 20A, in computing any
85 number of days before or after a specified date or date of an event provided for under this Title
86 20A, the specified date or date of an event is not included in the count.

87 Section 2. Section **20A-2-102.5** is amended to read:

88 **20A-2-102.5. Voter registration deadline.**

89 (1) Except as provided in Section 20A-2-201 and in Title 20A, Chapter 3, Part 4,
90 Voting by Members of the Military and by Other Persons Living or Serving Abroad, a person
91 who fails to submit a correctly completed voter registration form on or before the voter
92 registration deadline shall not be permitted to vote in the election.

93 (2) The voter registration deadline shall be the date that is 30 calendar days before the

date of the election.

~~[(3) If the voter registration deadline established in Subsection (2) falls on a weekend or holiday, it shall be extended to the next regular business day.]~~

Section 3. Section **20A-2-201** is amended to read:

20A-2-201. Registering to vote at office of county clerk.

(1) Except as provided in Subsection (3), the county clerk shall register to vote all persons who present themselves for registration at the county clerk's office during designated office hours if those persons, on voting day, will be legally qualified and entitled to vote in a voting precinct in the county.

(2) If a registration form is submitted in person at the office of the county clerk during the period beginning on the date after the voter registration deadline and ending on the date that is 15 calendar days before the date of the election, the county clerk shall:

(a) accept registration forms from all persons who present themselves for registration at the clerk's office during designated office hours if those persons, on voting day, will be legally qualified and entitled to vote in a voting precinct in the county; and

(b) inform them that:

(i) they will be registered to vote in the pending election; and

(ii) for the pending election, they must vote on the day of the election and will not be eligible to vote using early voting under Chapter 3, Part 6, Early Voting, because they registered too late.

~~(3) [Except as provided in Subsection (3), if]~~ If a registration form is submitted to the county clerk on the date of the election or during the 14 calendar days before an election, the county clerk shall:

(a) accept registration forms from all persons who present themselves for registration at the clerk's office during designated office hours if those persons, on voting day, will be legally qualified and entitled to vote in a voting precinct in the county; and

(b) inform them that they will be registered to vote but may not vote in the pending election because they registered too late.

Section 4. Section **20A-3-404** is amended to read:

20A-3-404. Special military write-in absentee ballots.

(1) ~~[(a)]~~ Notwithstanding any other provisions of this chapter, a military voter may

125 apply for a special write-in absentee ballot not later than the date 20 days before the date of an
126 election.

127 ~~[(b) If the application deadline falls on a weekend or holiday, it shall be extended to the~~
128 ~~next regular business day.]~~

129 (2) To qualify for a special write-in absentee ballot, a military voter shall:

130 (a) apply for a special write-in absentee ballot by submitting a federal postcard
131 application form; and

132 (b) state on the form or on a separate paper submitted with the form that he is unable to
133 vote by regular absentee ballot or in person because of his military service.

134 (3) Upon receipt of the application, the county clerk shall issue and mail a special
135 military write-in ballot.

136 Section 5. Section **20A-4-101** is amended to read:

137 **20A-4-101. Counting paper ballots during election day.**

138 (1) Each county legislative body or municipal legislative body that has voting precincts
139 that use paper ballots and each poll worker in those voting precincts shall comply with the
140 requirements of this section.

141 (2) (a) Each county legislative body or municipal legislative body shall provide:

142 (i) two sets of ballot boxes for all voting precincts where both receiving and counting
143 judges have been appointed; and

144 (ii) a counting room for the use of the poll workers counting the ballots during the day.

145 (b) At any election in any voting precinct in which both receiving and counting judges
146 have been appointed, when at least 20 votes have been cast, the receiving judges shall:

147 (i) close the first ballot box and deliver it to the counting judges; and

148 (ii) prepare and use another ballot box to receive voted ballots.

149 (c) Upon receipt of the ballot box, the counting judges shall:

150 (i) take the ballot box to the counting room;

151 (ii) count the votes on the regular ballots in the ballot box;

152 (iii) place the provisional ballot envelopes in the envelope or container provided for
153 them for return to the election officer; and

154 (iv) when they have finished counting the votes in the ballot box, return the emptied
155 box to the receiving judges.

(d) (i) During the course of election day, whenever there are at least 20 ballots contained in a ballot box, the receiving judges shall deliver that ballot box to the counting judges for counting; and

(ii) the counting judges shall immediately count the regular ballots and segregate the provisional ballots contained in that box.

(e) The counting judges shall continue to exchange the ballot boxes and count ballots until the polls close.

(3) Counting poll watchers appointed as provided in Section 20A-3-201 may observe the count.

(4) The counting judges shall apply the standards and requirements of Section ~~[20A-4-104]~~ 20A-4-105 to resolve any questions that arise as they count the ballots.

Section 6. Section **20A-4-306** is amended to read:

20A-4-306. Statewide canvass.

(1) (a) The state board of canvassers shall convene:

(i) on the fourth Monday of November, at noon; or

(ii) at noon on the day following the receipt by the lieutenant governor of the last of the returns of a statewide special election.

(b) The state auditor, the state treasurer, and the attorney general are the state board of canvassers.

(c) Attendance of all members of the state board of canvassers shall be required to constitute a quorum for conducting the canvass.

(2) (a) The state board of canvassers shall:

(i) meet in the lieutenant governor's office; and

(ii) compute and determine the vote for officers and for and against any ballot propositions voted upon by the voters of the entire state or of two or more counties.

(b) The lieutenant governor, as secretary of the board shall file a report in his office that details:

(i) for each statewide officer and ballot proposition:

(A) the name of the statewide office or ballot proposition that appeared on the ballot;

(B) the candidates for each statewide office whose names appeared on the ballot, plus any recorded write-in candidates;

187 (C) the number of votes from each county cast for each candidate and for and against
188 each ballot proposition;

189 (D) the total number of votes cast statewide for each candidate and for and against each
190 ballot proposition; and

191 (E) the total number of votes cast statewide; and

192 (ii) for each officer or ballot proposition voted on in two or more counties:

193 (A) the name of each of those offices and ballot propositions that appeared on the
194 ballot;

195 (B) the candidates for those offices, plus any recorded write-in candidates;

196 (C) the number of votes from each county cast for each candidate and for and against
197 each ballot proposition; and

198 (D) the total number of votes cast for each candidate and for and against each ballot
199 proposition.

200 (c) The lieutenant governor shall:

201 (i) prepare certificates of election for:

202 (A) each successful candidate; and

203 (B) each of the presidential electors of the candidate for president who received a
204 majority of the votes;

205 (ii) authenticate each certificate with his seal; and

206 (iii) deliver a certificate of election to:

207 (A) each candidate who had the highest number of votes for each office; and

208 (B) each of the presidential electors of the candidate for president who received a
209 majority of the votes.

210 (3) If the lieutenant governor has not received election returns from all counties on the
211 fifth day before the day designated for the meeting of the state board of canvassers, the
212 lieutenant governor shall:

213 (a) send a messenger to the clerk of the board of county canvassers of the delinquent
214 county;

215 (b) instruct the messenger to demand a certified copy of the board of canvasser's report
216 required by Section 20A-4-304 from the clerk; and

217 (c) pay the messenger the per diem provided by law as compensation.

(4) The state board of canvassers may not withhold the declaration of the result or any certificate of election because of any defect or informality in the returns of any election if the board can determine from the returns, with reasonable certainty, what office is intended and who is elected to it.

(5) (a) At noon on the fourth Monday after the regular primary election, the lieutenant governor shall:

(i) canvass the returns for all multicounty candidates required to file with the office of the lieutenant governor; and

(ii) publish and file the results of the canvass in the lieutenant governor's office.

(b) The lieutenant governor shall certify the results of the primary canvass to the county clerks not later than the August 1 after the primary election.

(6) (a) At noon on the Tuesday that falls two weeks after the Western States Presidential Primary election, the lieutenant governor shall:

(i) canvass the returns; and

(ii) publish and file the results of the canvass in the lieutenant governor's office.

(b) The lieutenant governor shall certify the results of the Western States Presidential Primary canvass to each registered political party that participated in the primary not later than the April 15 after the primary election[, or the following business day if April 15 falls on a Saturday, Sunday, or a holiday].

Section 7. Section **20A-5-409** is amended to read:

20A-5-409. Certification of candidates to county clerks.

By September [3] 5 of each regular general election year, the lieutenant governor shall certify to each county clerk the name of each candidate qualified to be printed on the regular general election ballot for that county clerk's county.

Section 8. Section **20A-6-301** is amended to read:

20A-6-301. Paper ballots -- Regular general election.

(1) Each election officer shall ensure that:

(a) all paper ballots furnished for use at the regular general election contain no captions or other endorsements except as provided in this section;

(b) (i) the paper ballot contains a ballot stub at least one inch wide, placed across the top of the ballot, and divided from the rest of ballot by a perforated line;

249 (ii) the ballot number and the words " Poll Worker's Initial ____" are printed on the
250 stub; and

251 (iii) ballot stubs are numbered consecutively;

252 (c) immediately below the perforated ballot stub, the following endorsements are
253 printed in 18-point bold type:

254 (i) "Official Ballot for ____ County, Utah";

255 (ii) the date of the election; and

256 (iii) a facsimile of the signature of the county clerk and the words "county clerk";

257 (d) each ticket is placed in a separate column on the ballot in the order determined by
258 the election officer with the party emblem, followed by the party name, at the head of the
259 column;

260 (e) the party name or title is printed in capital letters not less than 1/4 of an inch high;

261 (f) a circle 1/2 inch in diameter is printed immediately below the party name or title,
262 and the top of the circle is placed not less than two inches below the perforated line;

263 (g) unaffiliated candidates and candidates not affiliated with a registered political party
264 are listed in one column, without a party circle, with the following instructions printed at the
265 head of the column: "All candidates not affiliated with a political party are listed below. They
266 are to be considered with all offices and candidates listed to the left. Only one vote is allowed
267 for each office.";

268 (h) the columns containing the lists of candidates, including the party name and device,
269 are separated by heavy parallel lines;

270 (i) the offices to be filled are plainly printed immediately above the names of the
271 candidates for those offices;

272 (j) the names of candidates are printed in capital letters, not less than 1/8 nor more than
273 1/4 of an inch high in heavy-faced type not smaller than ten-point, between lines or rules 3/8 of
274 an inch apart;

275 (k) a square with sides measuring not less than 1/4 of an inch in length is printed at the
276 right of the name of each candidate;

277 (l) for the offices of president and vice president and governor and lieutenant governor,
278 one square with sides measuring not less than 1/4 of an inch in length is printed opposite a
279 double bracket enclosing the right side of the names of the two candidates;

(m) immediately to the right of the unaffiliated ticket on the ballot, the ballot contains a write-in column long enough to contain as many written names of candidates as there are persons to be elected with:

(i) for each office on the ballot, the office to be filled plainly printed immediately above:

(A) a blank, horizontal line to enable the entry of a valid write-in candidate and a square with sides measuring not less than 1/4 of an inch in length printed at the right of the blank horizontal line; or

(B) for the offices of president and vice president and governor and lieutenant governor, two blank horizontal lines, one placed above the other, to enable the entry of two valid write-in candidates, and one square with sides measuring not less than 1/4 of an inch in length printed opposite a double bracket enclosing the right side of the two blank horizontal lines; and

(ii) the words "Write-In Voting Column" printed at the head of the column without a 1/2 inch circle;

(n) when required, the ballot includes a nonpartisan ticket placed immediately to the right of the write-in ticket with the word "NONPARTISAN" in reverse type in an 18-point solid rule running vertically the full length of the nonpartisan ballot copy; and

(o) constitutional amendments or other questions submitted to the vote of the people, are printed on the ballot after the list of candidates.

(2) Each election officer shall ensure that:

(a) each person nominated by any political party or group of petitioners is placed on the ballot:

(i) under the party name and emblem, if any; or

(ii) under the title of the party or group as designated by them in their certificates of nomination or petition, or, if none is designated, then under some suitable title;

(b) the names of all unaffiliated candidates that qualify as required in Title 20A, Chapter 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot;

(c) the names of the candidates for president and vice president are used on the ballot instead of the names of the presidential electors; and

(d) the ballots contain no other names.

(3) When the ballot contains a nonpartisan section, the election officer shall ensure that:

(a) the designation of the office to be filled in the election and the number of candidates to be elected are printed in type not smaller than eight-point;

(b) the words designating the office are printed flush with the left-hand margin;

(c) the words, "Vote for one" or "Vote for two or more" extend to the extreme right of the column;

(d) the nonpartisan candidates are grouped according to the office for which they are candidates;

(e) the names in each group are placed in alphabetical order with the surnames last, except for candidates for the State Board of Education and local school boards;

(f) the names of candidates for the State Board of Education are placed on the ballot as certified by the lieutenant governor under Section 20A-14-105;

(g) if candidates for membership on a local board of education were selected in a primary election, the name of the candidate who received the most votes in the primary election is listed first on the ballot;

(h) if candidates for membership on a local board of education were not selected in the primary election, the names of the candidates are listed on the ballot in the order determined by a lottery conducted by the county clerk; and

(i) each group is preceded by the designation of the office for which the candidates seek election, and the words, "Vote for one" or "Vote for two or more," according to the number to be elected.

(4) Each election officer shall ensure that:

(a) proposed amendments to the Utah Constitution are listed on the ballot under the heading "Constitutional Amendment Number ____" with the number of the constitutional amendment as assigned under Section 20A-7-103 placed in the blank;

(b) propositions submitted to the voters by the Utah Legislature are listed on the ballot under the heading "State Proposition Number ____" with the number of the state proposition as assigned under Section 20A-7-103 placed in the blank;

(c) propositions submitted to the voters by a county are listed on the ballot under the heading "County Proposition Number ____" with the number of the county proposition as

assigned by the county legislative body placed in the blank;

(d) propositions submitted to the voters by a school district are listed on the ballot under the heading "School District Proposition Number ____" with the number of the school district proposition as assigned by the county legislative body placed in the blank;

(e) state initiatives that have qualified for the ballot are listed on the ballot under the heading "Citizen's State Initiative Number ____" with the number of the state initiative as assigned by Section 20A-7-209 placed in the blank;

(f) county initiatives that have qualified for the ballot are listed on the ballot under the heading "Citizen's County Initiative Number ____" with the number of the county initiative as assigned under Section 20A-7-508 placed in the blank;

(g) state referenda that have qualified for the ballot are listed on the ballot under the heading "Citizen's State Referendum Number ____" with the number of the state referendum as assigned under [~~Sections 20A-7-209 and~~] Section 20A-7-308 placed in the blank;

(h) county referenda that have qualified for the ballot are listed on the ballot under the heading "Citizen's County Referendum Number ____" with the number of the county referendum as assigned under Section 20A-7-608 placed in the blank; and

(i) bond propositions that have qualified for the ballot are listed on the ballot under the title assigned to each bond proposition under Section 11-14-206.

Section 9. Section **20A-6-303** is amended to read:

20A-6-303. Regular general election -- Ballot sheets.

(1) Each election officer shall ensure that:

(a) copy on the ballot sheets or ballot labels, as applicable, are arranged in approximately the same order as paper ballots;

(b) the titles of offices and the names of candidates are printed in vertical columns or in a series of separate pages;

(c) the ballot sheet or any pages used for the ballot label are of sufficient number to include, after the list of candidates:

(i) the names of candidates for judicial offices and any other nonpartisan offices; and

(ii) any ballot propositions submitted to the voters for their approval or rejection;

(d) (i) a voting square or position is included where the voter may record a straight party ticket vote for all the candidates of one party by one mark or punch; and

- 373 (ii) the name of each political party listed in the straight party selection area includes
374 the word "party" at the end of the party's name;
- 375 (e) the tickets are printed in the order determined by the county clerk;
- 376 (f) the office titles are printed above or at the side of the names of candidates so as to
377 indicate clearly the candidates for each office and the number to be elected;
- 378 (g) the party designation of each candidate is printed to the right or below the
379 candidate's name; and
- 380 (h) (i) if possible, all candidates for one office are grouped in one column or upon one
381 page;
- 382 (ii) if all candidates for one office cannot be listed in one column or grouped on one
383 page:
- 384 (A) the ballot sheet or ballot label shall be clearly marked to indicate that the list of
385 candidates is continued on the following column or page; and
- 386 (B) approximately the same number of names shall be printed in each column or on
387 each page; and
- 388 (i) arrows shall be used to indicate the place to vote for each candidate and on each
389 measure.
- 390 (2) Each election officer shall ensure that:
- 391 (a) proposed amendments to the Utah Constitution are listed under the heading
392 "Constitutional Amendment Number ____" with the number of the constitutional amendment as
393 assigned under Section 20A-7-103 placed in the blank;
- 394 (b) propositions submitted to the voters by the Utah Legislature are listed under the
395 heading "State Proposition Number ____" with the number of the state proposition as assigned
396 under Section 20A-7-103 placed in the blank;
- 397 (c) propositions submitted to the voters by a county are listed under the heading
398 "County Proposition Number ____" with the number of the county proposition as assigned by the
399 county legislative body placed in the blank;
- 400 (d) propositions submitted to the voters by a school district are listed under the heading
401 "School District Proposition Number ____" with the number of the school district proposition as
402 assigned by the county legislative body placed in the blank;
- 403 (e) state initiatives that have qualified for the ballot are listed under the heading

"Citizen's State Initiative Number ___" with the number of the state initiative as assigned under Section 20A-7-209 placed in the blank;

(f) county initiatives that have qualified for the ballot are listed under the heading "Citizen's County Initiative Number ___" with the number of the county initiative as assigned under Section 20A-7-508 placed in the blank;

(g) state referenda that have qualified for the ballot are listed under the heading "Citizen's State Referendum Number ___" with the number of the state referendum as assigned under ~~[Sections 20A-7-209 and]~~ Section 20A-7-308 placed in the blank;

(h) county referenda that have qualified for the ballot are listed under the heading "Citizen's County Referendum Number ___" with the number of the county referendum as assigned under Section 20A-7-608 placed in the blank; and

(i) bond propositions that have qualified for the ballot are listed under the title assigned to each bond proposition under Section 11-14-206.

Section 10. Section **20A-7-103** is amended to read:

20A-7-103. Constitutional amendments and other questions -- Procedures for submission to popular vote.

(1) The procedures contained in this section govern when:

(a) the Legislature submits a proposed constitutional amendment or other question to the voters; and

(b) an act of the Legislature is referred to the voters by referendum petition.

(2) In addition to the publication in the voter information pamphlet required by Section 20A-7-702, the lieutenant governor shall, not more than 60 days or less than ~~ten~~ 14 days before the ~~[regular general]~~ date of the election, publish the full text of the amendment, question, or statute in at least one newspaper in every county of the state where a newspaper is published.

(3) The legislative general counsel shall:

(a) entitle each proposed constitutional amendment "Constitutional Amendment Number ___" and give it a number;

(b) entitle each proposed question "State Proposition Number ___" and give it a number;

(c) entitle each state referendum that has qualified for the ballot "Citizen's State Referendum Number ___" and give it a number;

(d) draft and designate a ballot title that summarizes the subject matter of the amendment or question; and

(e) deliver ~~them~~ each number and title to the lieutenant governor.

(4) The lieutenant governor shall certify the number and ballot title of each amendment or question to the county clerk of each county no later than ~~September 1 of each regular general election year~~ 30 days before the date of the election.

(5) The county clerk of each county shall:

(a) ensure that both the number and title of the amendment, question, or referendum is printed on the sample ballots and official ballots; and

(b) publish them as provided by law.

Section 11. Section **20A-7-209** is amended to read:

20A-7-209. Ballot title -- Duties of lieutenant governor and Office of Legislative Research and General Counsel.

(1) By July 6 before the regular general election, the lieutenant governor shall deliver a copy of all of the proposed laws that have qualified for the ballot to the Office of Legislative Research and General Counsel.

(2) (a) The Office of Legislative Research and General Counsel shall:

(i) entitle each state initiative that has qualified for the ballot "Citizen's State Initiative Number ___" and give it a number;

(ii) prepare an impartial ballot title for each initiative summarizing the contents of the measure; and

(iii) return each petition and ballot title to the lieutenant governor by July 20.

(b) The ballot title may be distinct from the title of the proposed law attached to the initiative petition, and shall be not more than 100 words.

(c) For each state initiative, the official ballot shall show:

(i) the number of the initiative as determined by the Office of Legislative Research and General Counsel;

(ii) the ballot title as determined by the Office of Legislative Research and General Counsel; and

(iii) the initial fiscal impact estimate prepared under Section 20A-7-202.5.

(3) By July 21, the lieutenant governor shall mail a copy of the ballot title to any

466 sponsor of the petition.

467 (4) (a) (i) At least three of the sponsors of the petition may, by July 30, challenge the
468 wording of the ballot title prepared by the Office of Legislative Research and General Counsel
469 to the Supreme Court.

470 (ii) After receipt of the appeal, the Supreme Court shall direct the lieutenant governor
471 to send notice of the appeal to:

472 (A) any person or group that has filed an argument for or against the measure that is the
473 subject of the challenge; or

474 (B) any political issues committee established under Section 20A-11-801 that has filed
475 written or electronic notice with the lieutenant governor that identifies the name, mailing or
476 email address, and telephone number of the person designated to receive notice about any
477 issues relating to the initiative.

478 (b) (i) There is a presumption that the ballot title prepared by the Office of Legislative
479 Research and General Counsel is an impartial summary of the contents of the initiative.

480 (ii) The Supreme Court may not revise the wording of the ballot title unless the
481 plaintiffs rebut the presumption by clearly and convincingly establishing that the ballot title is
482 patently false or biased.

483 (c) The Supreme Court shall:

484 (i) examine the ballot title;

485 (ii) hear arguments; and

486 (iii) by August 10, certify to the lieutenant governor a ballot title for the measure that
487 meets the requirements of this section.

488 (d) By September [†] 5, the lieutenant governor shall certify the title verified by the
489 Supreme Court to the county clerks to be printed on the official ballot.

490 Section 12. Section **20A-7-503** is amended to read:

491 **20A-7-503. Form of initiative petitions and signature sheets.**

492 (1) (a) Each proposed initiative petition shall be printed in substantially the following
493 form:

494 "INITIATIVE PETITION To the Honorable _____, County Clerk/City Recorder/Town
495 Clerk:

496 We, the undersigned citizens of Utah, respectfully demand that the following proposed

497 law be submitted to: the legislative body for its approval or rejection at its next meeting; and
498 the legal voters of the county/city/town, if the legislative body rejects the proposed law or takes
499 no action on it.

500 Each signer says:

501 I have personally signed this petition;

502 I am registered to vote in Utah or intend to become registered to vote in Utah before the
503 certification of the petition names by the county clerk; and

504 My residence and post office address are written correctly after my name."

505 (b) The sponsors of an initiative shall attach a copy of the proposed law to each
506 initiative petition.

507 (2) Each signature sheet shall:

508 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

509 (b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line
510 blank for the purpose of binding;

511 (c) contain the title of the initiative printed below the horizontal line;

512 (d) contain the initial fiscal impact estimate's summary statement issued by the budget
513 officer according to Subsection 20A-7-502.5(2)(b) printed or typed in not less than 12-point,
514 bold type, at the top of each signature sheet under the title of the initiative;

515 (e) contain the word "Warning" printed or typed at the top of each signature sheet
516 under the initial fiscal impact estimate's summary statement;

517 (f) contain, to the right of the word "Warning," the following statement printed or
518 typed in not less than eight-point, single leaded type:

519 "It is a class A misdemeanor for anyone to sign any initiative petition with any other
520 name than his own, or knowingly to sign his name more than once for the same measure, or to
521 sign an initiative petition when he knows he is not a registered voter and knows that he does
522 not intend to become registered to vote before the certification of the petition names by the
523 county clerk.";

524 (g) contain horizontally ruled lines, 3/8 inch apart under the "Warning" statement
525 required by this section;

526 (h) be vertically divided into columns as follows:

527 (i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be

headed with "For Office Use Only", and be subdivided with a light vertical line down the middle with the left subdivision entitled "Registered" and the right subdivision left untitled;

(ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed Name (must be legible to be counted)";

(iii) the next column shall be 2-1/2 inches wide, headed "Signature of Registered Voter";

(iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";

(v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip Code"; and

(vi) at the bottom of the sheet, contain the following statement: "Birth date or age information is not required, but it may be used to verify your identity with voter registration records. If you choose not to provide it, your signature may not be verified as a valid signature if you change your address before petition signatures are verified or if the information you provide does not match your voter registration records."; and

(i) contain the following statement, printed or typed upon the back of each sheet:

"Verification

State of Utah, County of ____

I, _____, of _____, hereby state that:

I am a resident of Utah and am at least 18 years old;

All the names that appear on this sheet were signed by persons who professed to be the persons whose names appear in it, and each of them signed his name on it in my presence;

I believe that each has printed and signed his name and written his post office address and residence correctly, and that each signer is registered to vote in Utah or intends to become registered to vote before the certification of the petition names by the county clerk.

_____ "

(3) The forms prescribed in this section are not mandatory, and, if substantially followed, the initiative petitions are sufficient, notwithstanding clerical and merely technical errors.

Section 13. Section **20A-7-701** is amended to read:

20A-7-701. Voter information pamphlet to be prepared.

(1) The lieutenant governor shall cause to be printed a voter information pamphlet

designed to inform the voters of the state of the content, effect, operation, fiscal impact, and the supporting and opposing arguments of any measure submitted to the voters by the Legislature or by a statewide initiative or referendum petition.

(2) The pamphlet shall also include a separate section prepared, analyzed, and submitted by the Judicial Council describing the judicial selection and retention process.

(3) The lieutenant governor shall cause to be printed as many voter information pamphlets as needed to comply with the provisions of this chapter.

(4) Voter information pamphlets prepared in association with a local initiative or a local referendum shall be prepared in accordance with the procedures and requirements of Section 20A-7-402.

Section 14. Section **20A-7-702** is amended to read:

20A-7-702. Voter information pamphlet -- Form -- Contents -- Distribution.

(1) The lieutenant governor shall ensure that all information submitted for publication in the voter information pamphlet is:

(a) printed and bound in a single pamphlet;

(b) printed in clear readable type, no less than ten-point, except that the text of any measure may be set forth in eight-point type; and

(c) printed on a quality and weight of paper that best serves the voters.

(2) The voter information pamphlet shall contain the following items in this order:

(a) a cover title page;

(b) an introduction to the pamphlet by the lieutenant governor;

(c) a table of contents;

(d) a list of all candidates for constitutional offices;

(e) a list of candidates for each legislative district;

(f) a 100-word statement of qualifications for each candidate for the office of governor, lieutenant governor, attorney general, state auditor, or state treasurer, if submitted by the candidate to the lieutenant governor's office before ~~[July 15 at]~~ 5 p.m. on the date that falls 105 days before the date of the election;

(g) information pertaining to all measures to be submitted to the voters, beginning a new page for each measure and containing, in the following order for each measure:

(i) a copy of the number and ballot title of the measure;

(ii) the final vote cast by the Legislature on the measure if it is a measure submitted by the Legislature or by referendum;

(iii) the impartial analysis of the measure prepared by the Office of Legislative Research and General Counsel;

(iv) the arguments in favor of the measure, the rebuttal to the arguments in favor of the measure, the arguments against the measure, and the rebuttal to the arguments against the measure, with the name and title of the authors at the end of each argument or rebuttal;

(v) for each constitutional amendment, a complete copy of the text of the constitutional amendment, with all new language underlined, and all deleted language placed within brackets; and

(vi) for each initiative qualified for the ballot, a copy of the measure as certified by the lieutenant governor and a copy of the fiscal impact estimate prepared according to Section 20A-7-202.5;

(h) a description provided by the Judicial Council of the selection and retention process for judges, including, in the following order:

(i) a description of the judicial selection process;

(ii) a description of the judicial performance evaluation process;

(iii) a description of the judicial retention election process;

(iv) a list of the criteria and minimum standards of judicial performance evaluation;

(v) the names of the judges standing for retention election; and

(vi) for each judge:

(A) the counties in which the judge is subject to retention election;

(B) a short biography of professional qualifications and a recent photograph;

(C) for each standard of performance, a statement identifying whether or not the judge met the standard and, if not, the manner in which the judge failed to meet the standard;

(D) a statement provided by the Utah Supreme Court identifying the cumulative number of informal reprimands, when consented to by the judge in accordance with Subsection 78-8-107(2), formal reprimands, and all orders of censure and suspension issued by the Utah Supreme Court under Utah Constitution Article VIII, Section 13 during the judge's current term and the immediately preceding term, and a detailed summary of the supporting reasons for each violation of the Code of Judicial Conduct that the judge has received; and

(E) a statement identifying whether or not the judge was certified by the Judicial Council;

(vii) (A) except as provided in Subsection (2)(h)(vii)(B), for each judge, in graphic format, the responses for each attorney, jury, and other survey question used by the Judicial Council for certification of judges, displayed in 1% increments;

(B) notwithstanding Subsection (2)(h)(vii)(A), if the sample size for the survey for a particular judge is too small to provide statistically reliable information in 1% increments, the survey results for that judge shall be reported as being above or below 70% and a statement by the surveyor explaining why the survey is statistically unreliable shall also be included;

(i) an explanation of ballot marking procedures prepared by the lieutenant governor, indicating the ballot marking procedure used by each county and explaining how to mark the ballot for each procedure;

(j) voter registration information, including information on how to obtain an absentee ballot;

(k) a list of all county clerks' offices and phone numbers; and

(l) on the back cover page, a printed copy of the following statement signed by the lieutenant governor:

"I, _____ (print name), Lieutenant Governor of Utah, certify that the measures contained in this pamphlet will be submitted to the voters of Utah at the election to be held throughout the state on ____ (date of election), and that this pamphlet is complete and correct according to law. SEAL

Witness my hand and the Great Seal of the State, at Salt Lake City, Utah this ____ day of ____ (month), ____ (year)

(signed) _____

Lieutenant Governor"

(3) The lieutenant governor shall:

(a) ensure that one copy of the voter information pamphlet is placed in one issue of every newspaper of general circulation in the state not more than 40 nor less than 15 days before the day fixed by law for the election;

(b) ensure that a sufficient number of printed voter information pamphlets are available for distribution as required by this section;

(c) provide voter information pamphlets to each county clerk for free distribution upon request and for placement at polling places; and

(d) ensure that the distribution of the voter information pamphlets is completed 15 days before the election.

Section 15. Section **20A-7-703** is amended to read:

20A-7-703. Impartial analysis of measure -- Determination of fiscal effects.

(1) The director of the Office of Legislative Research and General Counsel, after the approval of the legislative general counsel as to legal sufficiency, shall:

(a) prepare an impartial analysis of each measure submitted to the voters by the Legislature or by initiative or referendum petition; and

(b) submit the impartial analysis to the lieutenant governor no later than ~~August 20 of the year~~ the day that falls 75 days before the date of the election in which the measure will appear on the ballot.

(2) The director shall ensure that the impartial analysis:

(a) is not more than 1,000 words long;

(b) is prepared in clear and concise language that will easily be understood by the average voter;

(c) avoids the use of technical terms as much as possible;

(d) shows the effect of the measure on existing law;

(e) identifies any potential conflicts with the United States or Utah Constitutions raised by the measure;

(f) fairly describes the operation of the measure;

(g) identifies the measure's fiscal effects for the first full year of implementation and the first year when the last provisions to be implemented are fully effective; and

(h) identifies the amount of any increase or decrease in revenue or cost to state or local government.

(3) The director shall analyze the measure as it is proposed to be adopted without considering any implementing legislation, unless the implementing legislation has been enacted and will become effective upon the adoption of the measure by the voters.

(4) (a) In determining the fiscal effects of a measure, the director shall confer with the legislative fiscal analyst.

(b) The director shall consider any measure that requires implementing legislation in order to take effect to have no financial effect, unless implementing legislation has been enacted that will become effective upon adoption of the measure by the voters.

(5) If the director requests the assistance of any state department, agency, or official in preparing his analysis, that department, agency, or official shall assist the director.

Section 16. Section **20A-7-705** is amended to read:

20A-7-705. Measures to be submitted to voters and referendum measures --

Preparation of argument of adoption.

(1) (a) Whenever the Legislature submits any measure to the voters or whenever an act of the Legislature is referred to the voters by referendum petition, the presiding officer of the house of origin of the measure shall appoint the sponsor of the measure or act and one member of either house who voted with the majority to pass the act or submit the measure to draft an argument for the adoption of the measure.

(b) (i) The argument may not exceed 500 words in length.

(ii) If the sponsor of the measure or act desires separate arguments to be written in favor by each person appointed, separate arguments may be written but the combined length of the two arguments may not exceed 500 words.

(2) (a) If a measure or act submitted to the voters by the Legislature or by referendum petition was not adopted unanimously by the Legislature, the presiding officer of each house shall, at the same time as appointments to an argument in its favor are made, appoint one member who voted against the measure or act from their house to write an argument against the measure or act.

(b) (i) The argument may not exceed 500 words.

(ii) If those members appointed to write an argument against the measure or act desire separate arguments to be written in opposition to the measure or act by each person appointed, separate arguments may be written, but the combined length of the two arguments may not exceed 500 words.

(3) (a) The legislators appointed by the presiding officer of the Senate or House of Representatives to submit arguments shall submit them to the lieutenant governor not later than [June 1] the day that falls 150 days before the date of the election.

(b) Except as provided in Subsection (3)(d), the authors may not amend or change the

714 arguments after they are submitted to the lieutenant governor.

715 (c) Except as provided in Subsection (3)(d), the lieutenant governor may not alter the
716 arguments in any way.

717 (d) The lieutenant governor and the authors of an argument may jointly modify an
718 argument after it is submitted if:

719 (i) they jointly agree that changes to the argument must be made to correct spelling or
720 grammatical errors; and

721 (ii) the argument has not yet been submitted for typesetting.

722 (4) (a) If an argument for or an argument against a measure submitted to the voters by
723 the Legislature or by referendum petition has not been filed by a member of the Legislature
724 within the time required by this section, any voter may request the presiding officer of the
725 house in which the measure originated for permission to prepare and file an argument for the
726 side on which no argument has been prepared by a member of the Legislature.

727 (b) (i) The presiding officer of the house of origin shall grant permission unless two or
728 more voters request permission to submit arguments on the same side of a measure.

729 (ii) If two or more voters request permission to submit arguments on the same side of a
730 measure, the presiding officer shall designate one of the voters to write the argument.

731 (c) Any argument prepared under this subsection shall be submitted to the lieutenant
732 governor not later than ~~[June 15]~~ the day that falls 135 days before the date of the election.

733 (d) The lieutenant governor may not accept a ballot argument submitted under this
734 section unless it is accompanied by:

735 (i) the name and address of the person submitting it, if it is submitted by an individual
736 voter; or

737 (ii) the name and address of the organization and the names and addresses of at least
738 two of its principal officers, if it is submitted on behalf of an organization.

739 (e) Except as provided in Subsection (4)(g), the authors may not amend or change the
740 arguments after they are submitted to the lieutenant governor.

741 (f) Except as provided in Subsection (4)(g), the lieutenant governor may not alter the
742 arguments in any way.

743 (g) The lieutenant governor and the authors of an argument may jointly modify an
744 argument after it is submitted if:

(i) they jointly agree that changes to the argument must be made to correct spelling or grammatical errors; and

(ii) the argument has not yet been submitted for typesetting.

Section 17. Section **20A-7-706** is amended to read:

20A-7-706. Copies of arguments to be sent to opposing authors -- Rebuttal arguments.

(1) When the lieutenant governor has received the arguments for and against a measure to be submitted to the voters, the lieutenant governor shall immediately send copies of the arguments in favor of the measure to the authors of the arguments against and copies of the arguments against to the authors of the arguments in favor.

(2) The authors may prepare and submit rebuttal arguments not exceeding 250 words.

(3) (a) The rebuttal arguments must be filed with the lieutenant governor:

(i) for constitutional amendments and referendum petitions, not later than ~~[June 30]~~ the day that falls 120 days before the date of the election; and

(ii) for initiatives, not later than August 30.

(b) Except as provided in Subsection (3)(d), the authors may not amend or change the rebuttal arguments after they are submitted to the lieutenant governor.

(c) Except as provided in Subsection (3)(d), the lieutenant governor may not alter the arguments in any way.

(d) The lieutenant governor and the authors of a rebuttal argument may jointly modify a rebuttal argument after it is submitted if:

(i) they jointly agree that changes to the rebuttal argument must be made to correct spelling or grammatical errors; and

(ii) the rebuttal argument has not yet been submitted for typesetting.

(4) The lieutenant governor shall ensure that:

(a) rebuttal arguments are printed in the same manner as the direct arguments; and

(b) each rebuttal argument follows immediately after the direct argument which it seeks to rebut.

Section 18. Section **20A-9-201** is amended to read:

20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of more than one political party prohibited with exceptions -- General filing and form

776 **requirements.**

777 (1) Before filing a declaration of candidacy for election to any office, a person shall:

778 (a) be a United States citizen; and

779 (b) meet the legal requirements of that office.

780 (2) (a) Except as provided in Subsection (2)(b), a person may not:

781 (i) file a declaration of candidacy for, or be a candidate for, more than one office in
782 Utah during any election year; or

783 (ii) appear on the ballot as the candidate of more than one political party.

784 (b) A person may file a declaration of candidacy for, or be a candidate for, President or
785 Vice President of the United States and another office, if the person resigns the person's
786 candidacy for the other office after the person is officially nominated for President or Vice
787 President of the United States.

788 ~~[(3) If the final date established for filing a declaration of candidacy is a Saturday or~~
789 ~~Sunday, the filing time shall be extended until 5 p.m. on the following business day.]~~

790 ~~[(4)]~~ (3) (a) (i) Except for presidential candidates, before the filing officer may accept
791 any declaration of candidacy, the filing officer shall:

792 (A) read to the prospective candidate the constitutional and statutory qualification
793 requirements for the office that the candidate is seeking; and

794 (B) require the candidate to state whether or not the candidate meets those
795 requirements.

796 (ii) Before accepting a declaration of candidacy for the office of county attorney, the
797 county clerk shall ensure that the person filing that declaration of candidacy is:

798 (A) a United States citizen;

799 (B) an attorney licensed to practice law in Utah who is an active member in good
800 standing of the Utah State Bar;

801 (C) a registered voter in the county in which he is seeking office; and

802 (D) a current resident of the county in which he is seeking office and either has been a
803 resident of that county for at least one year or was appointed and is currently serving as county
804 attorney and became a resident of the county within 30 days after appointment to the office.

805 (iii) Before accepting a declaration of candidacy for the office of district attorney, the
806 county clerk shall ensure that, as of the date of the election, the person filing that declaration of

807 candidacy is:

808 (A) a United States citizen;

809 (B) an attorney licensed to practice law in Utah who is an active member in good
810 standing of the Utah State Bar;

811 (C) a registered voter in the prosecution district in which he is seeking office; and

812 (D) a current resident of the prosecution district in which he is seeking office and either
813 will have been a resident of that prosecution district for at least one year as of the date of the
814 election or was appointed and is currently serving as district attorney and became a resident of
815 the prosecution district within 30 days after receiving appointment to the office.

816 (iv) Before accepting a declaration of candidacy for the office of county sheriff, the
817 county clerk shall ensure that the person filing the declaration of candidacy:

818 (A) as of the date of filing:

819 (I) is a United States citizen;

820 (II) is a registered voter in the county in which the person seeks office;

821 (III) (Aa) has successfully met the standards and training requirements established for
822 law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and
823 Certification Act; or

824 (Bb) has passed a certification examination as provided in Section 53-6-206; and

825 (IV) is qualified to be certified as a law enforcement officer, as defined in Section
826 53-13-103; and

827 (B) as of the date of the election, shall have been a resident of the county in which the
828 person seeks office for at least one year.

829 (b) If the prospective candidate states that he does not meet the qualification
830 requirements for the office, the filing officer may not accept the prospective candidate's
831 declaration of candidacy.

832 (c) If the candidate states that he meets the requirements of candidacy, the filing officer
833 shall:

834 (i) inform the candidate that the candidate's name will appear on the ballot as it is
835 written on the declaration of candidacy;

836 (ii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
837 Electronic Voter Information Website Program and inform the candidate of the submission

838 deadline under Subsection 20A-7-801(4)(a);

839 (iii) provide the candidate with a copy of the pledge of fair campaign practices
840 described under Section 20A-9-206 and inform the candidate that:

841 (A) signing the pledge is voluntary; and

842 (B) signed pledges shall be filed with the filing officer;

843 (iv) accept the candidate's declaration of candidacy; and

844 (v) if the candidate has filed for a partisan office, provide a certified copy of the
845 declaration of candidacy to the chair of the county or state political party of which the
846 candidate is a member.

847 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing
848 officer shall:

849 (i) accept the candidate's pledge; and

850 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
851 candidate's pledge to the chair of the county or state political party of which the candidate is a
852 member.

853 ~~[(5)]~~ (4) Except for presidential candidates, the form of the declaration of candidacy
854 shall be substantially as follows:

855 "State of Utah, County of ____

856 I, _____, declare my intention of becoming a candidate for the office of
857 ____ as a candidate for the ____ party. I do solemnly swear that: I can qualify to hold that
858 office, both legally and constitutionally, if selected; I reside at _____ in the City or
859 Town of ____, Utah, Zip Code ____ Phone No. ____; I will not knowingly violate any law
860 governing campaigns and elections; and I will qualify for the office if elected to it. The
861 mailing address that I designate for receiving official election notices is
862 _____.

863 _____

864 Subscribed and sworn before me this _____(month\day\year).

865 Notary Public (or other officer qualified to administer oath.)"

866 ~~[(6)]~~ (5) (a) Except for presidential candidates, the fee for filing a declaration of
867 candidacy is:

868 (i) \$25 for candidates for the local school district board; and

(ii) 1/8 of 1% of the total salary for the full term of office legally paid to the person holding the office, but not less than \$5, for all other federal, state, and county offices.

(b) Except for presidential candidates, the filing officer shall refund the filing fee to any candidate:

(i) who is disqualified; or

(ii) who the filing officer determines has filed improperly.

(c) (i) The county clerk shall immediately pay to the county treasurer all fees received from candidates.

(ii) The lieutenant governor shall:

(A) apportion to and pay to the county treasurers of the various counties all fees received for filing of nomination certificates or acceptances; and

(B) ensure that each county receives that proportion of the total amount paid to the lieutenant governor from the congressional district that the total vote of that county for all candidates for representative in Congress bears to the total vote of all counties within the congressional district for all candidates for representative in Congress.

(d) (i) Each person who is unable to pay the filing fee may file a declaration of candidacy without payment upon a prima facie showing of impecuniosity as evidenced by an affidavit of impecuniosity filed with the filing officer.

(ii) The filing officer shall ensure that the affidavit of impecuniosity is printed in substantially the following form:

"Affidavit of Impecuniosity

Individual Name

_____Address_____

Phone Number _____

I, _____(name), do solemnly [swear] [affirm] that, owing to my poverty, I am unable to pay the filing fee required by law.

Date _____ Signature_____

Affiant

Subscribed and sworn to before me on _____ (month\day\year)

(signature)

900 Name and Title of Officer Authorized to Administer Oath _____"

901 [~~(7)~~] (6) Any person who fails to file a declaration of candidacy or certificate of
902 nomination within the time provided in this chapter is ineligible for nomination to office.

903 [~~(8)~~] (7) A declaration of candidacy filed under this section may not be amended or
904 modified after the final date established for filing a declaration of candidacy.

905 Section 19. Section **20A-9-202** is amended to read:

906 **20A-9-202. Declarations of candidacy for regular general elections --**

907 **Requirements for candidates.**

908 (1) (a) Each person seeking to become a candidate for elective office for any county
909 office that is to be filled at the next regular general election shall:

910 (i) file a declaration of candidacy in person with the county clerk on or after March 7
911 and before 5 p.m. on the March 17 before the next regular general election; and

912 (ii) pay the filing fee.

913 (b) Each person intending to become a candidate for any legislative office or
914 multicounty office that is to be filled at the next regular general election shall:

915 (i) file a declaration of candidacy in person with either the lieutenant governor or the
916 county clerk in the candidate's county of residence on or after March 7 and before 5 p.m. on the
917 March 17 before the next regular general election; and

918 (ii) pay the filing fee.

919 (c) (i) Each county clerk who receives a declaration of candidacy from a candidate for
920 multicounty office shall transmit the filing fee and a copy of the candidate's declaration of
921 candidacy to the lieutenant governor within one working day after it is filed.

922 (ii) Each day during the filing period, each county clerk shall notify the lieutenant
923 governor electronically or by telephone of legislative candidates who have filed in their office.

924 (d) Each person seeking to become a candidate for elective office for any federal office
925 or constitutional office that is to be filled at the next regular general election shall:

926 (i) file a declaration of candidacy in person with the lieutenant governor on or after
927 March 7 and before 5 p.m. on the March 17 before the next regular general election; and

928 (ii) pay the filing fee.

929 (e) Each person seeking the office of lieutenant governor, the office of district attorney,
930 or the office of President or Vice President of the United States shall comply with the specific

931 declaration of candidacy requirements established by this section.

932 (2) (a) Each person intending to become a candidate for the office of district attorney
933 within a multicounty prosecution district that is to be filled at the next regular general election
934 shall:

935 (i) file a declaration of candidacy with the clerk designated in the interlocal agreement
936 creating the prosecution district on or after March 7 and before 5 p.m. on the March 17 before
937 the next regular general election; and

938 (ii) pay the filing fee.

939 (b) The designated clerk shall provide to the county clerk of each county in the
940 prosecution district a certified copy of each declaration of candidacy filed for the office of
941 district attorney.

942 (3) (a) Within five working days of nomination, each lieutenant governor candidate
943 shall:

944 (i) file a declaration of candidacy with the lieutenant governor; and

945 (ii) pay the filing fee.

946 (b) (i) Any candidate for lieutenant governor who fails to file within five working days
947 is disqualified.

948 (ii) If a lieutenant governor is disqualified, another candidate shall be nominated to
949 replace the disqualified candidate.

950 (4) Each registered political party shall:

951 (a) certify the names of its candidates for President and Vice President of the United
952 States to the lieutenant governor by September [3] 5; or

953 (b) provide written authorization for the lieutenant governor to accept the certification
954 of candidates for President and Vice President of the United States from the national office of
955 the registered political party.

956 (5) (a) A declaration of candidacy filed under this section is valid unless a written
957 objection is filed with the clerk or lieutenant governor within five days after the last day for
958 filing.

959 (b) If an objection is made, the clerk or lieutenant governor shall:

960 (i) mail or personally deliver notice of the objection to the affected candidate
961 immediately; and

(ii) decide any objection within 48 hours after it is filed.

(c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the problem by amending the declaration or petition within three days after the objection is sustained or by filing a new declaration within three days after the objection is sustained.

(d) (i) The clerk's or lieutenant governor's decision upon objections to form is final.

(ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable by a district court if prompt application is made to the court.

(iii) The decision of the district court is final unless the Supreme Court, in the exercise of its discretion, agrees to review the lower court decision.

(6) Any person who filed a declaration of candidacy may withdraw as a candidate by filing a written affidavit with the clerk.

Section 20. Section **20A-9-203** is amended to read:

20A-9-203. Declarations of candidacy -- Municipal general elections.

(1) (a) A person may become a candidate for any municipal office if the person is a registered voter and:

(i) the person has resided within the municipality in which that person seeks to hold elective office for the 12 consecutive months immediately before the date of the election; or

(ii) if the territory in which the person resides was annexed into the municipality, the person has resided within the annexed territory or the municipality for 12 months.

(b) In addition to the requirements of Subsection (1)(a), candidates for a municipal council position under the council-mayor or council-manager alternative forms of municipal government shall, if elected from districts, be residents of the council district from which they are elected.

(c) In accordance with Utah Constitution Article IV, Section 6, any mentally incompetent person, any person convicted of a felony, or any person convicted of treason or a crime against the elective franchise may not hold office in this state until the right to hold elective office is restored under Section 20A-2-101.5.

(2) (a) Except as provided in Subsection (2)(b) or (2)(c), each person seeking to become a candidate for a municipal office shall:

(i) file a declaration of candidacy, in person with the city recorder or town clerk, during office hours and not later than 5 p.m. between July 1 and July 15 of any odd numbered year;

and

(ii) pay the filing fee, if one is required by municipal ordinance.

(b) (i) As used in this Subsection (2)(b), "registered voters" means the number of persons registered to vote in the municipality on the January 1 of the municipal election year.

(ii) A third, fourth, or fifth class city that used the convention system to nominate candidates in the last municipal election as authorized by Subsection 20A-9-404(3) or used the process contained in this Subsection (2)(b) in the last municipal election or a town that used the convention system to nominate candidates in the last municipal election as authorized by Subsection 20A-9-404(3) or used the process contained in this Subsection (2)(b) in the last municipal election may, by ordinance, require, in lieu of the convention system, that candidates for municipal office file a nominating petition signed by a percentage of registered voters at the same time that the candidate files a declaration of candidacy.

(iii) The ordinance shall specify the number of signatures that the candidate must obtain on the nominating petition in order to become a candidate for municipal office under this Subsection (2), but that number may not exceed 5% of registered voters.

(c) Any resident of a municipality may nominate a candidate for a municipal office by:

(i) filing a nomination petition with the city recorder or town clerk during office hours, but not later than 5 p.m., between July 1 and July 15 of any odd-numbered year; and

(ii) paying the filing fee, if one is required by municipal ordinance.

~~[(d) When July 15 is a Saturday, Sunday, or holiday, the filing time shall be extended until 5 p.m. on the following regular business day.]~~

(3) (a) Before the filing officer may accept any declaration of candidacy or nomination petition, the filing officer shall:

(i) read to the prospective candidate or person filing the petition the constitutional and statutory qualification requirements for the office that the candidate is seeking; and

(ii) require the candidate or person filing the petition to state whether or not the candidate meets those requirements.

(b) If the prospective candidate does not meet the qualification requirements for the office, the filing officer may not accept the declaration of candidacy or nomination petition.

(c) If it appears that the prospective candidate meets the requirements of candidacy, the filing officer shall:

1024 (i) inform the candidate that the candidate's name will appear on the ballot as it is
1025 written on the declaration of candidacy;

1026 (ii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
1027 Electronic Voter Information Website Program and inform the candidate of the submission
1028 deadline under Subsection 20A-7-801(4)(a);

1029 (iii) provide the candidate with a copy of the pledge of fair campaign practices
1030 described under Section 20A-9-206 and inform the candidate that:

1031 (A) signing the pledge is voluntary; and
1032 (B) signed pledges shall be filed with the filing officer; and

1033 (iv) accept the declaration of candidacy or nomination petition.

1034 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing
1035 officer shall:

1036 (i) accept the candidate's pledge; and
1037 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
1038 candidate's pledge to the chair of the county or state political party of which the candidate is a
1039 member.

1040 (4) The declaration of candidacy shall substantially comply with the following form:
1041 "I, (print name) ____, being first sworn, say that I reside at ____ Street, City of ____,
1042 County of ____, state of Utah, Zip Code ____, Telephone Number (if any) ____; that I am a
1043 registered voter; and that I am a candidate for the office of ____ (stating the term). I request
1044 that my name be printed upon the applicable official ballots. (Signed) _____
1045 Subscribed and sworn to (or affirmed) before me by ____ on this
1046 _____(month\day\year).
1047 (Signed) _____ (Clerk or other officer qualified to administer oath)"

1048 (5) (a) In all first and second class cities, and in third, fourth, or fifth class cities that
1049 have not passed the ordinance authorized by Subsection (2)(b) and in towns that have not
1050 passed the ordinance authorized by Subsection (2)(b), any registered voter may be nominated
1051 for municipal office by submitting a petition signed by:

1052 (i) 25 residents of the municipality who are at least 18 years old; or
1053 (ii) 20% of the residents of the municipality who are at least 18 years old.

1054 (b) (i) The petition shall substantially conform to the following form:

1055 "NOMINATION PETITION

1056 The undersigned residents of (name of municipality) being 18 years old or older
1057 nominate (name of nominee) to the office of ____ for the (two or four-year term, whichever is
1058 applicable)."

1059 (ii) The remainder of the petition shall contain lines and columns for the signatures of
1060 persons signing the petition and their addresses and telephone numbers.

1061 (6) (a) In third, fourth, and fifth class cities that have passed the ordinance authorized
1062 by Subsection (2)(b), and in towns that have passed the ordinance authorized by Subsection
1063 (2)(b), any registered voter may be nominated for municipal office by submitting a petition
1064 signed by the same percentage of registered voters in the municipality as required by the
1065 ordinance passed under authority of Subsection (2)(b).

1066 (b) (i) The petition shall substantially conform to the following form:

1067 "NOMINATION PETITION

1068 The undersigned residents of (name of municipality) being 18 years old or older
1069 nominate (name of nominee) to the office of (name of office) for the (two or four-year term,
1070 whichever is applicable)."

1071 (ii) The remainder of the petition shall contain lines and columns for the signatures of
1072 persons signing the petition and their addresses and telephone numbers.

1073 (7) If the declaration of candidacy or nomination petition fails to state whether the
1074 nomination is for the two or four-year term, the clerk shall consider the nomination to be for
1075 the four-year term.

1076 (8) (a) The clerk shall verify with the county clerk that all candidates are registered
1077 voters.

1078 (b) Any candidate who is not registered to vote is disqualified and the clerk may not
1079 print the candidate's name on the ballot.

1080 (9) Immediately after expiration of the period for filing a declaration of candidacy, the
1081 clerk shall:

1082 (a) cause the names of the candidates as they will appear on the ballot to be published
1083 in at least two successive publications of a newspaper with general circulation in the
1084 municipality; and

1085 (b) notify the lieutenant governor of the names of the candidates as they will appear on

1086 the ballot.

1087 (10) A declaration of candidacy or nomination petition filed under this section may not
1088 be amended after the expiration of the period for filing a declaration of candidacy.

1089 (11) (a) A declaration of candidacy or nomination petition filed under this section is
1090 valid unless a written objection is filed with the clerk within five days after the last day for
1091 filing.

1092 (b) If an objection is made, the clerk shall:

1093 (i) mail or personally deliver notice of the objection to the affected candidate
1094 immediately; and

1095 (ii) decide any objection within 48 hours after it is filed.

1096 (c) If the clerk sustains the objection, the candidate may correct the problem by
1097 amending the declaration or petition within three days after the objection is sustained or by
1098 filing a new declaration within three days after the objection is sustained.

1099 (d) (i) The clerk's decision upon objections to form is final.

1100 (ii) The clerk's decision upon substantive matters is reviewable by a district court if
1101 prompt application is made to the district court.

1102 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
1103 of its discretion, agrees to review the lower court decision.

1104 (12) Any person who filed a declaration of candidacy and was nominated, and any
1105 person who was nominated by a nomination petition, may, any time up to 23 days before the
1106 election, withdraw the nomination by filing a written affidavit with the clerk.

1107 Section 21. Section **20A-9-403** is amended to read:

1108 **20A-9-403. Regular primary elections.**

1109 (1) (a) The fourth Tuesday of June of each even-numbered year is designated as regular
1110 primary election day.

1111 (b) Each registered political party that chooses to use the primary election process to
1112 nominate some or all of its candidates shall comply with the requirements of this section.

1113 (2) (a) As a condition for using the state's election system, each registered political
1114 party that wishes to participate in the primary election shall:

1115 (i) declare their intent to participate in the primary election;

1116 (ii) identify one or more registered political parties whose members may vote for the

1117 registered political party's candidates and whether or not persons identified as unaffiliated with
1118 a political party may vote for the registered political party's candidates; and

1119 (iii) certify that information to the lieutenant governor no later than 5 p.m. on March 1
1120 of each even-numbered year~~[, except that when March 1 is a Saturday or Sunday, the~~
1121 ~~certification deadline shall be extended until 5 p.m. on the following regular business day].~~

1122 (b) As a condition for using the state's election system, each registered political party
1123 that wishes to participate in the primary election shall:

1124 (i) certify the name and office of all of the registered political party's candidates to the
1125 lieutenant governor no later than 5 p.m. on May 13 of each even-numbered year~~[, except that~~
1126 ~~when May 13 is a Saturday or Sunday, the certification deadline shall be extended until 5 p.m.~~
1127 ~~on the following regular business day]; and~~

1128 (ii) certify the name and office of each of its county candidates to the county clerks by
1129 5 p.m. on May 13 of each even-numbered year~~[, except that when May 13 is a Saturday or~~
1130 ~~Sunday, the certification deadline shall be extended until 5 p.m. on the following regular~~
1131 ~~business day].~~

1132 (c) By 5 p.m. on May 16 of each even-numbered year, ~~[or by 5 p.m. on the following~~
1133 ~~regular business day if May 16 is a Saturday or Sunday,]~~ the lieutenant governor shall send the
1134 county clerks a certified list of the names of all statewide or multicounty candidates that must
1135 be printed on the primary ballot.

1136 (d) (i) Except as provided in Subsection (2)(d)(ii), if a registered political party does
1137 not wish to participate in the primary election, it shall submit the names of its county
1138 candidates to the county clerks and the names of all of its candidates to the lieutenant governor
1139 by 5 p.m. on May 30 of each even-numbered year~~[, except that when May 30 is a Saturday or~~
1140 ~~Sunday, the submission deadline shall be extended until 5 p.m. on the following regular~~
1141 ~~business day].~~

1142 (ii) A registered political party's candidates for President and Vice-President of the
1143 United States shall be certified to the lieutenant governor as provided in Subsection
1144 20A-9-202(4).

1145 (e) Each political party shall certify the names of its presidential and vice-presidential
1146 candidates and presidential electors to the lieutenant governor's office by September [3] 5 of
1147 each presidential election year~~[, or by the following regular business day if September 3 is a~~

1148 ~~Saturday or Sunday~~].

1149 (3) The county clerk shall:

1150 (a) review the declarations of candidacy filed by candidates for local boards of
1151 education to determine if more than two candidates have filed for the same seat;

1152 (b) place the names of all candidates who have filed a declaration of candidacy for a
1153 local board of education seat on the nonpartisan section of the ballot if more than two
1154 candidates have filed for the same seat; and

1155 (c) conduct a lottery to determine the order of the candidates' names on the ballot.

1156 (4) After the county clerk receives the certified list from a registered political party, the
1157 county clerk shall post or publish a primary election notice in substantially the following form:

1158 "Notice is given that a primary election will be held Tuesday, June ____,
1159 ____ (year), to nominate party candidates for the parties and nonpartisan offices listed on
1160 the primary ballot. The polling place for voting precinct ____ is _____. The polls will open at 7
1161 a.m. and continue open until 8 p.m. of the same day. Attest: county clerk".

1162 (5) (a) Candidates receiving the highest number of votes cast for each office at the
1163 regular primary election are nominated by their party or nonpartisan group for that office.

1164 (b) If two or more candidates are to be elected to the office at the regular general
1165 election, those party candidates equal in number to positions to be filled who receive the
1166 highest number of votes at the regular primary election are the nominees of their party for those
1167 positions.

1168 (6) (a) When a tie vote occurs in any primary election for any national, state, or other
1169 office that represents more than one county, the governor, lieutenant governor, and attorney
1170 general shall, at a public meeting called by the governor and in the presence of the candidates
1171 involved, select the nominee by lot cast in whatever manner the governor determines.

1172 (b) When a tie vote occurs in any primary election for any county office, the district
1173 court judges of the district in which the county is located shall, at a public meeting called by
1174 the judges and in the presence of the candidates involved, select the nominee by lot cast in
1175 whatever manner the judges determine.

1176 (7) The expense of providing all ballots, blanks, or other supplies to be used at any
1177 primary election provided for by this section, and all expenses necessarily incurred in the
1178 preparation for or the conduct of that primary election shall be paid out of the treasury of the

1179 county or state, in the same manner as for the regular general elections.

1180 Section 22. Section **20A-9-601** is amended to read:

1181 **20A-9-601. Qualifying as a write-in candidate.**

1182 (1) (a) Each person wishing to become a valid write-in candidate shall file a declaration
1183 of candidacy with the appropriate filing officer not later than 30 days before the regular general
1184 election or municipal general election in which the person intends to be a write-in candidate.

1185 ~~[(b) If the filing deadline falls on a weekend or holiday, it shall be extended to the next~~
1186 ~~regular business day.]~~

1187 ~~[(c)]~~ (b) (i) The filing officer shall:

1188 (A) read to the candidate the constitutional and statutory requirements for the office;
1189 and

1190 (B) ask the candidate whether or not the candidate meets the requirements.

1191 (ii) If the candidate cannot meet the requirements of office, the filing officer may not
1192 accept the write-in candidate's declaration of candidacy.

1193 (2) A write-in candidate in towns need not prequalify with the filing officer.

1194 (3) By November 1 of each regular general election year, the lieutenant governor shall
1195 certify to each county clerk the names of all write-in candidates who filed their declaration of
1196 candidacy with the lieutenant governor.

1197 Section 23. Section **20A-9-701** is amended to read:

1198 **20A-9-701. Certification of party candidates to county clerks -- Display on ballot.**

1199 (1) By September ~~[+]~~ 5 of each regular general election year, the lieutenant governor
1200 shall certify to each county clerk the names of each candidate, including candidates for
1201 president and vice president, certified by each registered political party as that party's nominees
1202 for offices to be voted upon at the regular general election in that county clerk's county.

1203 (2) The names shall be certified by the lieutenant governor and shall be displayed on
1204 the ballot as they are provided on the candidate's declaration of candidacy.

1205 Section 24. Section **20A-9-802** is amended to read:

1206 **20A-9-802. Western States Presidential Primary established -- Other ballot issues**
1207 **prohibited.**

1208 (1) (a) Contingent upon legislative appropriation, there is established a Western States
1209 Presidential Primary election to be held on the first Tuesday in February in the year in which a

1210 presidential election will be held.

1211 (b) Except as otherwise specifically provided in this chapter, county clerks shall
1212 administer the Western States Presidential Primary according to the provisions of Title 20A,
1213 Election Code, including:

1214 (i) Title 20A, Chapter 1, General Provisions;

1215 (ii) Title 20A, Chapter 2, Voter Registration;

1216 (iii) Title 20A, Chapter 3, Voting;

1217 (iv) Title 20A, Chapter 4, Election Returns and Election Contests;

1218 (v) Title 20A, Chapter 5, Election Administration; and

1219 (vi) Title 20A, Chapter 6, Ballot Form.

1220 (c) (i) The county clerks shall ensure that the ballot voted by the voters at the Western
1221 States Presidential Primary contains only the names of candidates for President of the United
1222 States who have qualified as provided in this part.

1223 (ii) The county clerks may not present any other items to the voters to be voted upon at
1224 this election.

1225 (2) Registered political parties, and candidates for President of the United States who
1226 are affiliated with a registered political party, may participate in the Western States Presidential
1227 Primary established by this part.

1228 (3) As a condition for using the state's election system, each registered political party
1229 wishing to participate in Utah's Western States Presidential Primary shall:

1230 (a) declare their intent to participate in the Western States Presidential Primary;

1231 (b) identify one or more registered political parties whose members may vote for the
1232 registered political party's candidates and whether or not persons identified as unaffiliated with
1233 a political party may vote for the registered political party's candidates; and

1234 (c) certify that information to the lieutenant governor no later than 5 p.m. on the June
1235 30 of the year before the year in which the presidential primary will be held~~[-or the following~~
1236 ~~business day if June 30 falls on a Saturday, Sunday, or holiday].~~

1237 Section 25. Section **20A-9-803** is amended to read:

1238 **20A-9-803. Declaration of candidacy -- Filing fee -- Form.**

1239 (1) ~~[(a)]~~ Candidates for President of the United States who are affiliated with a
1240 registered political party in Utah that has elected to participate in Utah's Western States

1241 Presidential Primary and who wish to participate in the primary shall:

1242 ~~[(i)]~~ (a) except as provided in Subsection (1)(b), file a declaration of candidacy, in
1243 person or via a designated agent, with the lieutenant governor between July 1 of the year before
1244 the primary election will be held and 5 p.m. on October 15 of the year before the primary
1245 election will be held;

1246 ~~[(ii)]~~ (b) identify the registered political party whose nomination the candidate is
1247 seeking;

1248 ~~[(iii)]~~ (c) provide a letter from the registered political party certifying that the candidate
1249 may participate as a candidate for that party in that party's presidential primary election; and

1250 ~~[(iv)]~~ (d) pay the filing fee of \$500.

1251 ~~[(b) If October 15 falls on a Saturday, Sunday, or holiday, the filing time shall be~~
1252 ~~extended until 5 p.m. on the following business day.]~~

1253 (2) The lieutenant governor shall develop a declaration of candidacy form for
1254 presidential candidates participating in the primary.

1255 Section 26. Section **20A-11-101** is amended to read:

1256 **20A-11-101. Definitions.**

1257 As used in this chapter:

1258 (1) "Address" means the number and street where an individual resides or where a
1259 reporting entity has its principal office.

1260 (2) "Ballot proposition" includes initiatives, referenda, proposed constitutional
1261 amendments, and any other ballot propositions submitted to the voters that are authorized by
1262 the Utah Code Annotated 1953.

1263 (3) "Candidate" means any person who:

1264 (a) files a declaration of candidacy for a public office; or

1265 (b) receives contributions, makes expenditures, or gives consent for any other person to
1266 receive contributions or make expenditures to bring about the person's nomination or election
1267 to a public office.

1268 (4) (a) "Candidate-related media owner" means each candidate and each member of
1269 any personal campaign or party committee who owns, either in the person's own name or in the
1270 name of any other person or entity, any financial interest in one of the following media outlets:

1271 (i) a newspaper or other printed periodical circulated in Utah;

1272 (ii) a television, cable, satellite, or other station that provides news programming that is
1273 broadcasted or received in Utah; or

1274 (iii) an Internet site or service that provides news information in association with an
1275 entity described in Subsection (4)(a)(i) or (4)(a)(ii) above.

1276 (b) "Candidate-related media owner" does not mean a candidate or a member of any
1277 personal campaign or party committee who owns or operates:

1278 (i) a newspaper or other printed periodical that provides information primarily in
1279 relation to a person's political candidacy or office, such as a campaign or constituent
1280 newsletter; or

1281 (ii) a personal website, a blog, or other Internet-based information service that provides
1282 information primarily in relation to a person's political candidacy or political office.

1283 ~~[(4)]~~ (5) "Chief election officer" means:

1284 (a) the lieutenant governor for state office candidates, legislative office candidates,
1285 officeholders, political parties, political action committees, corporations, political issues
1286 committees, and state school board candidates; and

1287 (b) the county clerk for local school board candidates.

1288 ~~[(5)]~~ (6) "Continuing political party" means an organization of voters that participated
1289 in the last regular general election and polled a total vote equal to 2% or more of the total votes
1290 cast for all candidates for the United States House of Representatives.

1291 ~~[(6)]~~ (7) (a) "Contribution" means any of the following when done for political
1292 purposes:

1293 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of
1294 value given to the filing entity;

1295 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,
1296 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
1297 anything of value to the filing entity;

1298 (iii) any transfer of funds from another reporting entity or a corporation to the filing
1299 entity;

1300 (iv) compensation paid by any person or reporting entity other than the filing entity for
1301 personal services provided without charge to the filing entity;

1302 (v) remuneration from any organization or its directly affiliated organization that has a

1303 registered lobbyist to compensate a legislator for a loss of salary or income while the
1304 Legislature is in session;

1305 (vi) salaries or other remuneration paid to a legislator by any agency or subdivision of
1306 the state, including school districts, for the period the Legislature is in session; and
1307 (vii) goods or services provided to or for the benefit of the filing entity at less than fair
1308 market value.

1309 (b) "Contribution" does not include:

1310 (i) services provided without compensation by individuals volunteering a portion or all
1311 of their time on behalf of the filing entity; or
1312 (ii) money lent to the filing entity by a financial institution in the ordinary course of
1313 business.

1314 ~~[(7)]~~ (8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business
1315 organization that is registered as a corporation or is authorized to do business in a state and
1316 makes any expenditure from corporate funds for:

1317 (i) political purposes; or
1318 (ii) the purpose of influencing the approval or the defeat of any ballot proposition.

1319 (b) "Corporation" does not mean:

1320 (i) a business organization's political action committee or political issues committee; or
1321 (ii) a business entity organized as a partnership or a sole proprietorship.

1322 ~~[(8)]~~ (9) "Detailed listing" means:

1323 (a) for each contribution or public service assistance:

1324 (i) the name and address of the individual or source making the contribution or public
1325 service assistance;

1326 (ii) the amount or value of the contribution or public service assistance; and
1327 (iii) the date the contribution or public service assistance was made; and

1328 (b) for each expenditure:

1329 (i) the amount of the expenditure;
1330 (ii) the person or entity to whom it was disbursed;
1331 (iii) the specific purpose, item, or service acquired by the expenditure; and
1332 (iv) the date the expenditure was made.

1333 ~~[(9)]~~ (10) "Election" means each:

- 1334 (a) regular general election;
1335 (b) regular primary election; and
1336 (c) special election at which candidates are eliminated and selected.
- 1337 ~~[(10)]~~ (11) (a) "Expenditure" means:
1338 (i) any disbursement from contributions, receipts, or from the separate bank account
1339 required by this chapter;
1340 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
1341 or anything of value made for political purposes;
1342 (iii) an express, legally enforceable contract, promise, or agreement to make any
1343 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
1344 value for political purposes;
1345 (iv) compensation paid by a corporation or filing entity for personal services rendered
1346 by a person without charge to a reporting entity;
1347 (v) a transfer of funds between the filing entity and a candidate's personal campaign
1348 committee; or
1349 (vi) goods or services provided by the filing entity to or for the benefit of another
1350 reporting entity for political purposes at less than fair market value.
- 1351 (b) "Expenditure" does not include:
1352 (i) services provided without compensation by individuals volunteering a portion or all
1353 of their time on behalf of a reporting entity;
1354 (ii) money lent to a reporting entity by a financial institution in the ordinary course of
1355 business; or
1356 (iii) anything listed in Subsection (10)(a) that is given by a corporation or reporting
1357 entity to candidates for office or officeholders in states other than Utah.
- 1358 ~~[(11)]~~ (12) "Filing entity" means the reporting entity that is filing a report required by
1359 this chapter.
- 1360 ~~[(12)]~~ (13) "Financial statement" includes any summary report, interim report, or other
1361 statement disclosing contributions, expenditures, receipts, donations, or disbursements that is
1362 required by this chapter.
- 1363 ~~[(13)]~~ (14) "Governing board" means the individual or group of individuals that
1364 determine the candidates and committees that will receive expenditures from a political action

1365 committee.

1366 ~~[(14)]~~ (15) "Incorporation" means the process established by Title 10, Chapter 2, Part
1367 1, Incorporation, by which a geographical area becomes legally recognized as a city or town.

1368 ~~[(15)]~~ (16) "Incorporation election" means the election authorized by Section 10-2-111.

1369 ~~[(16)]~~ (17) "Incorporation petition" means a petition authorized by Section 10-2-109.

1370 ~~[(17)]~~ (18) "Individual" means a natural person.

1371 ~~[(18)]~~ (19) "Interim report" means a report identifying the contributions received and
1372 expenditures made since the last report.

1373 ~~[(19)]~~ (20) "Legislative office" means the office of state senator, state representative,
1374 speaker of the House of Representatives, president of the Senate, and the leader, whip, and
1375 assistant whip of any party caucus in either house of the Legislature.

1376 ~~[(20)]~~ (21) "Legislative office candidate" means a person who:

1377 (a) files a declaration of candidacy for the office of state senator or state representative;

1378 (b) declares himself to be a candidate for, or actively campaigns for, the position of
1379 speaker of the House of Representatives, president of the Senate, or the leader, whip, and
1380 assistant whip of any party caucus in either house of the Legislature; and

1381 (c) receives contributions, makes expenditures, or gives consent for any other person to
1382 receive contributions or make expenditures to bring about the person's nomination or election
1383 to a legislative office.

1384 ~~[(21)]~~ (22) "Newly registered political party" means an organization of voters that has
1385 complied with the petition and organizing procedures of this chapter to become a registered
1386 political party.

1387 ~~[(22)]~~ (23) "Officeholder" means a person who holds a public office.

1388 ~~[(23)]~~ (24) "Party committee" means any committee organized by or authorized by the
1389 governing board of a registered political party.

1390 ~~[(24)]~~ (25) "Person" means both natural and legal persons, including individuals,
1391 business organizations, personal campaign committees, party committees, political action
1392 committees, political issues committees, labor unions, and labor organizations.

1393 ~~[(25)]~~ (26) "Personal campaign committee" means the committee appointed by a
1394 candidate to act for the candidate as provided in this chapter.

1395 ~~[(26)]~~ (27) (a) "Political action committee" means an entity, or any group of

individuals or entities within or outside this state, that solicits or receives contributions from any other person, group, or entity or makes expenditures for political purposes. A group or entity may not divide or separate into units, sections, or smaller groups for the purpose of avoiding the financial reporting requirements of this chapter, and substance shall prevail over form in determining the scope or size of a political action committee.

(b) "Political action committee" includes groups affiliated with a registered political party but not authorized or organized by the governing board of the registered political party that receive contributions or makes expenditures for political purposes.

(c) "Political action committee" does not mean:

(i) a party committee;

(ii) any entity that provides goods or services to a candidate or committee in the regular course of its business at the same price that would be provided to the general public;

(iii) an individual;

(iv) individuals who are related and who make contributions from a joint checking account;

(v) a corporation; or

(vi) a personal campaign committee.

~~[(27)]~~ (28) "Political convention" means a county or state political convention held by a registered political party to select candidates.

~~[(28)]~~ (29) (a) "Political issues committee" means an entity, or any group of individuals or entities within or outside this state, that solicits or receives donations from any other person, group, or entity or makes disbursements to influence, or to intend to influence, directly or indirectly, any person to:

(i) assist in placing a statewide ballot proposition on the ballot, assist in keeping a statewide ballot proposition off the ballot, or refrain from voting or vote for or vote against any statewide ballot proposition; or

(ii) sign or refuse to sign an incorporation petition or refrain from voting, vote for, or vote against any proposed incorporation in an incorporation election.

(b) "Political issues committee" does not mean:

(i) a registered political party or a party committee;

(ii) any entity that provides goods or services to an individual or committee in the

1427 regular course of its business at the same price that would be provided to the general public;

1428 (iii) an individual;

1429 (iv) individuals who are related and who make contributions from a joint checking
1430 account; or

1431 (v) a corporation, except a corporation whose apparent purpose is to act as a political
1432 issues committee.

1433 [~~(29)~~] (30) (a) "Political issues contribution" means any of the following:

1434 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or
1435 anything of value given to a political issues committee;

1436 (ii) an express, legally enforceable contract, promise, or agreement to make a political
1437 issues donation to influence the approval or defeat of any ballot proposition;

1438 (iii) any transfer of funds received by a political issues committee from a reporting
1439 entity;

1440 (iv) compensation paid by another reporting entity for personal services rendered
1441 without charge to a political issues committee; and

1442 (v) goods or services provided to or for the benefit of a political issues committee at
1443 less than fair market value.

1444 (b) "Political issues contribution" does not include:

1445 (i) services provided without compensation by individuals volunteering a portion or all
1446 of their time on behalf of a political issues committee; or

1447 (ii) money lent to a political issues committee by a financial institution in the ordinary
1448 course of business.

1449 [~~(30)~~] (31) (a) "Political issues expenditure" means any of the following:

1450 (i) any payment from political issues contributions made for the purpose of influencing
1451 the approval or the defeat of a statewide ballot proposition;

1452 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for
1453 the purpose of influencing the approval or the defeat of a statewide ballot proposition;

1454 (iii) an express, legally enforceable contract, promise, or agreement to make any
1455 political issues expenditure;

1456 (iv) compensation paid by a reporting entity for personal services rendered by a person
1457 without charge to a political issues committee; or

1458 (v) goods or services provided to or for the benefit of another reporting entity at less
1459 than fair market value.

1460 (b) "Political issues expenditure" does not include:

1461 (i) services provided without compensation by individuals volunteering a portion or all
1462 of their time on behalf of a political issues committee; or

1463 (ii) money lent to a political issues committee by a financial institution in the ordinary
1464 course of business.

1465 [~~(31)~~] (32) "Political purposes" means an act done with the intent or in a way to
1466 influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote
1467 for or against any candidate for public office at any caucus, political convention, primary, or
1468 election.

1469 [~~(32)~~] (33) "Primary election" means any regular primary election held under the
1470 election laws.

1471 [~~(33)~~] (34) "Public office" means the office of governor, lieutenant governor, state
1472 auditor, state treasurer, attorney general, state or local school board member, state senator, state
1473 representative, speaker of the House of Representatives, president of the Senate, and the leader,
1474 whip, and assistant whip of any party caucus in either house of the Legislature.

1475 [~~(34)~~] (35) (a) "Public service assistance" means the following when given or provided
1476 to an officeholder to defray the costs of functioning in a public office or aid the officeholder to
1477 communicate with the officeholder's constituents:

1478 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of
1479 money or anything of value to an officeholder; or

1480 (ii) goods or services provided at less than fair market value to or for the benefit of the
1481 officeholder.

1482 (b) "Public service assistance" does not include:

1483 (i) anything provided by the state;

1484 (ii) services provided without compensation by individuals volunteering a portion or all
1485 of their time on behalf of an officeholder;

1486 (iii) money lent to an officeholder by a financial institution in the ordinary course of
1487 business;

1488 (iv) news coverage or any publication by the news media; or

(v) any article, story, or other coverage as part of any regular publication of any organization unless substantially all the publication is devoted to information about the officeholder.

~~[(35)]~~ (36) "Publicly identified class of individuals" means a group of 50 or more individuals sharing a common occupation, interest, or association that contribute to a political action committee or political issues committee and whose names can be obtained by contacting the political action committee or political issues committee upon whose financial report they are listed.

~~[(36)]~~ (37) "Receipts" means contributions and public service assistance.

~~[(37)]~~ (38) "Registered lobbyist" means a person registered under Title 36, Chapter 11, Lobbyist Disclosure and Regulation Act.

~~[(38)]~~ (39) "Registered political action committee" means any political action committee that is required by this chapter to file a statement of organization with the lieutenant governor's office.

~~[(39)]~~ (40) "Registered political issues committee" means any political issues committee that is required by this chapter to file a statement of organization with the lieutenant governor's office.

~~[(40)]~~ (41) "Registered political party" means an organization of voters that:

(a) participated in the last regular general election and polled a total vote equal to 2% or more of the total votes cast for all candidates for the United States House of Representatives for any of its candidates for any office; or

(b) has complied with the petition and organizing procedures of this chapter.

~~[(41)]~~ (42) "Report" means a verified financial statement.

~~[(42)]~~ (43) "Reporting entity" means a candidate, a candidate's personal campaign committee, an officeholder, and a party committee, a political action committee, and a political issues committee.

~~[(43)]~~ (44) "School board office" means the office of state school board or local school board.

~~[(44)]~~ (45) (a) "Source" means the person or entity that is the legal owner of the tangible or intangible asset that comprises the contribution.

(b) "Source" means, for political action committees and corporations, the political

action committee and the corporation as entities, not the contributors to the political action committee or the owners or shareholders of the corporation.

~~[(45)]~~ (46) "State office" means the offices of governor, lieutenant governor, attorney general, state auditor, and state treasurer.

~~[(46)]~~ (47) "State office candidate" means a person who:

(a) files a declaration of candidacy for a state office; or

(b) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination or election to a state office.

~~[(47)]~~ (48) "Summary report" means the year end report containing the summary of a reporting entity's contributions and expenditures.

~~[(48)]~~ (49) "Supervisory board" means the individual or group of individuals that allocate expenditures from a political issues committee.

Section 27. Section **20A-11-102** is amended to read:

20A-11-102. Candidates and committee members to file statement of ownership of publication.

(1) Before ~~[any newspaper or periodical wholly or partially]~~ a media outlet that is owned by a candidate-related media owner as defined in Section 20A-11-101 may print any matter that is intended or tends to influence, directly or indirectly, any voting at any election, the candidate-related media owner shall file a verified statement in the office of the county clerk of the county in which ~~[he]~~ the candidate related media owner resides.

(2) The statement shall:

(a) ~~[identify the newspaper or periodical]~~ identify the media outlet in which or over which the candidate-related media owner has financial interest or control; and

(b) the exact nature and extent of the interest or control.

(3) (a) It is unlawful for an editor, manager, or other person controlling the publication of ~~[any newspaper or other periodical circulating in Utah that is wholly or partially]~~ a media outlet that is owned by a candidate-related media owner to print or cause to be printed any matter that is intended or tends to influence, directly or indirectly, any voting at any election unless the candidate-related media owner has filed the statement required by this section.

(b) Any editor, manager, or other person who violates this Subsection (3) is guilty of a

1551 class B misdemeanor.

1552 Section 28. Section **20A-11-203** is amended to read:

1553 **20A-11-203. State office candidate -- Financial reporting requirements --**
1554 **Year-end summary report.**

1555 (1) Each state office candidate shall file a summary report by January 5 of the year after
1556 the regular general election year.

1557 (2) (a) Each summary report shall include the following information as of December 31
1558 of the last regular general election year:

1559 (i) the net balance of the last summary report, if any;

1560 (ii) a single figure equal to the total amount of receipts reported on all interim reports,
1561 if any, during the last regular general election year;

1562 (iii) a single figure equal to the total amount of expenditures reported on all interim
1563 reports, if any, filed during the last regular general election year;

1564 (iv) a detailed listing of each contribution and public service assistance received since
1565 the last summary report that has not been reported in detail on an interim report;

1566 (v) for each nonmonetary contribution, the fair market value of the contribution;

1567 (vi) a detailed listing of each expenditure made since the last summary report that has
1568 not been reported in detail on an interim report;

1569 (vii) for each nonmonetary expenditure, the fair market value of the expenditure; and

1570 (viii) a net balance for the year consisting of the net balance from the last summary
1571 report, if any, plus all receipts minus all expenditures.

1572 (b) (i) For all single contributions or public service assistance of \$50 or less, a single
1573 aggregate figure may be reported without separate detailed listings.

1574 (ii) Two or more contributions from the same source that have an aggregate total of
1575 more than \$50 may not be reported in the aggregate, but shall be reported separately.

1576 (c) In preparing the report, all receipts and expenditures shall be reported as of
1577 December 31 of the last regular general election year.

1578 (3) The summary report shall contain a paragraph signed by an authorized member of
1579 the state office candidate's personal campaign committee or by the state office candidate
1580 certifying that, to the best of the signer's knowledge, all receipts and all expenditures have been
1581 reported as of December 31 of the last regular general election year and that there are no bills

1582 or obligations outstanding and unpaid except as set forth in that report.

1583 (4) State office candidates reporting under this section need only report receipts
1584 received and expenditures made after April 29, 1991.

1585 Section 29. Section **20A-11-302** is amended to read:

1586 **20A-11-302. Legislative office candidate -- Financial reporting requirements --**
1587 **Year-end summary report.**

1588 (1) Each legislative office candidate shall file a summary report by January 5 of the
1589 year after the regular general election year.

1590 (2) (a) Each summary report shall include the following information as of December 31
1591 of the last regular general election year:

1592 (i) the net balance of the last summary report, if any;

1593 (ii) a single figure equal to the total amount of receipts reported on all interim reports,
1594 if any, during the ~~[calendar]~~ last regular general election year ~~[in which the summary report is~~
1595 ~~due]~~;

1596 (iii) a single figure equal to the total amount of expenditures reported on all interim
1597 reports, if any, filed during the last regular general election year;

1598 (iv) a detailed listing of each receipt, contribution, and public service assistance since
1599 the last summary report that has not been reported in detail on an interim report;

1600 (v) for each nonmonetary contribution, the fair market value of the contribution;

1601 (vi) a detailed listing of each expenditure made since the last summary report that has
1602 not been reported in detail on an interim report;

1603 (vii) for each nonmonetary expenditure, the fair market value of the expenditure; and

1604 (viii) a net balance for the year consisting of the net balance from the last summary
1605 report, if any, plus all receipts minus all expenditures.

1606 (b) (i) For all individual contributions or public service assistance of \$50 or less, a
1607 single aggregate figure may be reported without separate detailed listings.

1608 (ii) Two or more contributions from the same source that have an aggregate total of
1609 more than \$50 may not be reported in the aggregate, but shall be reported separately.

1610 (c) In preparing the report, all receipts and expenditures shall be reported as of
1611 December 31 of the last regular general election year.

1612 (3) The summary report shall contain a paragraph signed by the legislative office

candidate certifying that to the best of the candidate's knowledge, all receipts and all expenditures have been reported as of December 31 of the last regular general election year and that there are no bills or obligations outstanding and unpaid except as set forth in that report.

(4) Legislative office candidates reporting under this section need only report receipts received and expenditures made after April 29, 1991.

Section 30. Section **20A-11-506** is amended to read:

20A-11-506. Political party financial reporting requirements -- Year-end summary report.

(1) Each party committee shall file a summary report by January 5 of the year after the regular general election year.

(2) (a) Each summary report shall include the following information as of December 31 of the regular general election year:

(i) the net balance of the last summary report, if any;

(ii) a single figure equal to the total amount of receipts reported on all interim reports, if any, during the last regular general election year;

(iii) a single figure equal to the total amount of expenditures reported on all interim reports, if any, filed during the last regular general election year;

(iv) a detailed listing of each contribution and public service assistance received since the last summary report that has not been reported in detail on an interim report;

(v) for each nonmonetary contribution, the fair market value of the contribution;

(vi) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on an interim report;

(vii) for each nonmonetary expenditure, the fair market value of the expenditure; and

(viii) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts minus all expenditures.

(b) (i) For all individual contributions or public service assistance of \$50 or less, a single aggregate figure may be reported without separate detailed listings.

(ii) Two or more contributions from the same source that have an aggregate total of more than \$50 may not be reported in the aggregate, but shall be reported separately.

(c) In preparing the report, all receipts and expenditures shall be reported as of December 31 of the last regular general election year.

(3) The summary report shall contain a paragraph signed by the treasurer of the party committee certifying that, to the best of the treasurer's knowledge, all receipts and all expenditures have been reported as of December 31 of the last regular general election year and that there are no bills or obligations outstanding and unpaid except as set forth in that report.

Section 31. Section **20A-11-601** is amended to read:

20A-11-601. Political action committees -- Registration -- Criminal penalty for providing false information or accepting unlawful contribution.

(1) (a) Each political action committee shall file a statement of organization with the lieutenant governor's office by January 10 of each year, unless the political action committee has filed a notice of dissolution under Subsection (4).

(b) If a political action committee is organized after the January 10 filing date, the political action committee shall file an initial statement of organization no later than seven days after:

(i) receiving contributions totaling at least \$750; or

(ii) distributing expenditures for political purposes totaling at least \$750.

~~[(c) If January 10 falls on a weekend or holiday, the statement of organization shall be filed by the following business day.]~~

(2) Each political action committee shall designate two officers that have primary decision-making authority for the political action committee.

(3) The statement of organization shall include:

(a) the name and address of the political action committee;

(b) the name, street address, phone number, occupation, and title of the two primary officers designated under Subsection (2);

(c) the name, street address, occupation, and title of all other officers of the political action committee;

(d) the name and street address of the organization, individual corporation, association, unit of government, or union that the political action committee represents, if any;

(e) the name and street address of all affiliated or connected organizations and their relationships to the political action committee;

(f) the name, street address, business address, occupation, and phone number of the committee's treasurer or chief financial officer; and

(g) the name, street address, and occupation of each member of the governing and advisory boards, if any.

(4) (a) Any registered political action committee that intends to permanently cease operations shall file a notice of dissolution with the lieutenant governor's office.

(b) Any notice of dissolution filed by a political action committee does not exempt that political action committee from complying with the financial reporting requirements of this chapter.

(5) (a) Unless the political action committee has filed a notice of dissolution under Subsection (4), a political action committee shall file, with the lieutenant governor's office, notice of any change of an officer described in Subsection (2).

(b) Notice of a change of a primary officer described in Subsection (2) shall:

(i) be filed within ten days of the date of the change; and

(ii) contain the name and title of the officer being replaced, and the name, street address, occupation, and title of the new officer.

(6) (a) A person is guilty of providing false information in relation to a political action committee if the person intentionally or knowingly gives false or misleading material information in the statement of organization or the notice of change of primary officer.

(b) Each primary officer designated in Subsection (2) is guilty of accepting an unlawful contribution if the political action committee knowingly or recklessly accepts a contribution from a corporation that:

(i) was organized less than 90 days before the date of the general election; and

(ii) at the time the political action committee accepts the contribution, has failed to file a statement of organization with the lieutenant governor's office as required by Section 20A-11-704.

(c) A violation of this Subsection (6) is a third degree felony.

Section 32. Section **20A-11-801** is amended to read:

20A-11-801. Political issues committees -- Registration -- Criminal penalty for providing false information or accepting unlawful contribution.

(1) (a) Each political issues committee shall file a statement of organization with the lieutenant governor's office by January 10 of each year, unless the political issues committee has filed a notice of dissolution under Subsection (4).

1706 (b) If a political issues committee is organized after the January 10 filing date, the
1707 political issues committee shall file an initial statement of organization no later than seven days
1708 after:

1709 (i) receiving political issues contributions totaling at least \$750; or

1710 (ii) disbursing political issues expenditures totaling at least \$50.

1711 ~~[(c) If January 10 falls on a weekend or holiday, the statement of organization shall be~~
1712 ~~filed by the following business day.]~~

1713 (2) Each political issues committee shall designate two officers that have primary
1714 decision-making authority for the political issues committee.

1715 (3) The statement of organization shall include:

1716 (a) the name and street address of the political issues committee;

1717 (b) the name, street address, phone number, occupation, and title of the two primary
1718 officers designated under Subsection (2);

1719 (c) the name, street address, occupation, and title of all other officers of the political
1720 issues committee;

1721 (d) the name and street address of the organization, individual, corporation,
1722 association, unit of government, or union that the political issues committee represents, if any;

1723 (e) the name and street address of all affiliated or connected organizations and their
1724 relationships to the political issues committee;

1725 (f) the name, street address, business address, occupation, and phone number of the
1726 committee's treasurer or chief financial officer;

1727 (g) the name, street address, and occupation of each member of the supervisory and
1728 advisory boards, if any; and

1729 (h) the ballot proposition whose outcome they wish to affect, and whether they support
1730 or oppose it.

1731 (4) (a) Any registered political issues committee that intends to permanently cease
1732 operations during a calendar year shall file a notice of dissolution with the lieutenant governor's
1733 office.

1734 (b) Any notice of dissolution filed by a political issues committee does not exempt that
1735 political issues committee from complying with the financial reporting requirements of this
1736 chapter.

(5) (a) Unless the political issues committee has filed a notice of dissolution under Subsection (4), a political issues committee shall file, with the lieutenant governor's office, notice of any change of an officer described in Subsection (2).

(b) Notice of a change of a primary officer described in Subsection (2) shall:

(i) be filed within ten days of the date of the change; and

(ii) contain the name and title of the officer being replaced and the name, street address, occupation, and title of the new officer.

(6) (a) A person is guilty of providing false information in relation to a political issues committee if the person intentionally or knowingly gives false or misleading material information in the statement of organization or the notice of change of primary officer.

(b) Each primary officer designated in Subsection (2) is guilty of accepting an unlawful contribution if the political issues committee knowingly or recklessly accepts a contribution from a corporation that:

(i) was organized less than 90 days before the date of the general election; and

(ii) at the time the political issues committee accepts the contribution, has failed to file a statement of organization with the lieutenant governor's office as required by Section 20A-11-704.

(c) A violation of this Subsection (6) is a third degree felony.

Section 33. Section **20A-11-1302** is amended to read:

20A-11-1302. School board office candidate -- Financial reporting requirements -- Year-end summary report.

(1) Each school board office candidate shall file a summary report by January 5 of the year after the regular general election year.

(2) (a) Each summary report shall include the following information as of December 31 of the last regular general election year:

(i) the net balance of the last summary report, if any;

(ii) a single figure equal to the total amount of receipts reported on all interim reports, if any, during the ~~[calendar]~~ last regular general election year ~~[in which the summary report is due];~~

(iii) a single figure equal to the total amount of expenditures reported on all interim reports, if any, filed during the last regular general election year;

(iv) a detailed listing of each receipt, contribution, and public service assistance since the last summary report that has not been reported in detail on an interim report;

(v) for each nonmonetary contribution, the fair market value of the contribution;

(vi) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on an interim report;

(vii) for each nonmonetary expenditure, the fair market value of the expenditure; and

(viii) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts minus all expenditures.

(b) (i) For all individual contributions or public service assistance of \$50 or less, a single aggregate figure may be reported without separate detailed listings.

(ii) Two or more contributions from the same source that have an aggregate total of more than \$50 may not be reported in the aggregate, but shall be reported separately.

(c) In preparing the report, all receipts and expenditures shall be reported as of December 31 of the last regular general election year.

(3) The summary report shall contain a paragraph signed by the school board office candidate certifying that, to the best of the school board office candidate's knowledge, all receipts and all expenditures have been reported as of December 31 of the last regular general election year and that there are no bills or obligations outstanding and unpaid except as set forth in that report.

(4) School board office candidates reporting under this section need only report receipts received and expenditures made after May 5, 1997.

Section 34. Section **20A-12-201** is amended to read:

20A-12-201. Judicial appointees -- Retention elections.

(1) (a) Each appointee to a court of record is subject to an unopposed retention election at the first general election held more than three years after the judge or justice was appointed.

(b) After the first retention election:

(i) each Supreme Court justice shall be on the regular general election ballot for an unopposed retention election every tenth year; and

(ii) each judge of other courts of record shall be on the regular general election ballot for an unopposed retention election every sixth year.

(2) (a) Each justice or judge of a court of record who wishes to retain office shall, in

1799 the year the justice or judge is subject to a retention election:

1800 (i) file a declaration of candidacy as if a candidate for multi-county office in
1801 accordance with Section 20A-9-202; and

1802 (ii) pay a filing fee of \$50.

1803 (b) Each county justice judge who wishes to retain office shall, in the year the justice or
1804 judge is subject to a retention election:

1805 (i) file a declaration of candidacy as if a candidate for county office in accordance with
1806 Section 20A-9-202; and

1807 (ii) pay a filing fee of \$25.

1808 (3) (a) The lieutenant governor shall, by September [~~1~~] 5 of each regular general
1809 election year:

1810 (i) transmit a certified list containing the names of the justices of the Supreme Court
1811 and judges of the Court of Appeals declaring their candidacy to the county clerk of each
1812 county; and

1813 (ii) transmit a certified list containing the names of judges of other courts declaring
1814 their candidacy to the county clerk of each county in the geographic division in which the judge
1815 filing the declaration holds office.

1816 (b) Each county clerk shall place the names of justices and judges standing for
1817 retention election in the nonpartisan section of the ballot.

1818 (4) At the general election, the ballots shall contain, as to each justice or judge of any
1819 court to be voted on in the county, the following question:

1820 "Shall _____ (name of justice or judge) be retained in the
1821 office of _____?" (name of office, such as "Justice of the Supreme
1822 Court of Utah"; "Judge of the Court of Appeals of Utah"; "Judge of the District Court of the
1823 Third Judicial District;" "Judge of the Juvenile Court of the Fourth Juvenile Court District";
1824 "County Justice Court Judge of (name of county) County")

1825 Yes ()

1826 No ()."

1827 (5) (a) If the justice or judge receives more yes votes than no votes, the justice or judge
1828 is retained for the term of office provided by law.

1829 (b) If the justice or judge does not receive more yes votes than no votes, the justice or

1830 judge is not retained, and a vacancy exists in the office on the first Monday in January after the
1831 regular general election.

1832 (6) A justice or judge not retained is ineligible for appointment to the office for which
1833 the justice or judge was defeated until after the expiration of that term of office.

1834 Section 35. Section **20A-14-103** is amended to read:

1835 **20A-14-103. State Board of Education members -- When elected -- Qualifications**
1836 **-- Avoiding conflicts of interest.**

1837 (1) (a) In 2002 and every four years thereafter, one member each shall be elected from
1838 new Districts 2, 3, 5, 6, 9, 10, 14, and 15 to serve a four-year term.

1839 (b) In 2004 and every four years thereafter, one member each shall be elected from new
1840 Districts 4, 7, 8, 11, 12, and 13 to serve a four-year term.

1841 (c) (i) Because of the combination of certain former districts, the state school board
1842 members elected from old Districts 2 and 4 who will reside in new District 1 may not serve out
1843 the term for which they were elected, but shall stand for election in 2002 for a term of office of
1844 four years from the realigned district in which each resides.

1845 (ii) If one of the incumbent state school board members from new District 1 indicates
1846 in writing to the lieutenant governor that the school board member will not seek reelection, that
1847 incumbent state school board member may serve until January 1, 2003 and the other incumbent
1848 state school board member shall serve out the term for which the member was elected, which is
1849 until January 1, 2005.

1850 (2) A person seeking election to the state school board must have been a resident of the
1851 board district in which the person is seeking election for at least one year as of the date of the
1852 election.

1853 ~~[(2)]~~ (3) A member shall:

1854 (a) be and remain a registered voter in the board district from which the member was
1855 elected or appointed; and

1856 (b) maintain ~~[his]~~ the member's primary residence within the board district from which
1857 the member was elected or appointed during the member's term of office.

1858 ~~[(3)]~~ (4) A member of the State Board of Education may not, during the member's term
1859 of office, also serve as an employee of:

1860 (a) the board~~[-]~~;

1861 (b) the Utah State Office of Education[;]; or

1862 (c) the Utah State Office of Rehabilitation.

1863 Section 36. Section **20A-14-202** is amended to read:

1864 **20A-14-202. Local Boards of Education -- Membership -- When elected --**
1865 **Qualifications -- Avoiding conflicts of interest.**

1866 (1) (a) Except as provided in Subsection (1)(b), the board of education of a school
1867 district with a student population of up to 24,000 students shall consist of five members.

1868 (b) The board of education of a school district with a student population of more than
1869 10,000 students but fewer than 24,000 students shall increase from five to seven members
1870 beginning with the 2004 regular general election.

1871 (c) The board of education of a school district with a student population of 24,000 or
1872 more students shall consist of seven members.

1873 (d) Student population is based on the October 1 student count submitted by districts to
1874 the State Office of Education.

1875 (e) If the number of members of a local school board is required to change under
1876 Subsection (1)(b), the board shall be reapportioned and elections conducted as provided in
1877 Sections 20A-14-201 and 20A-14-203.

1878 (f) A school district which now has or increases to a seven-member board shall
1879 maintain a seven-member board regardless of subsequent changes in student population.

1880 (g) (i) Members of a local board of education shall be elected at each regular general
1881 election.

1882 (ii) Except as provided in Subsection (1)(g)(iii), no more than three members of a local
1883 board of education may be elected to a five-member board, nor more than four members
1884 elected to a seven-member board, in any election year.

1885 (iii) More than three members of a local board of education may be elected to a
1886 five-member board and more than four members elected to a seven-member board in any
1887 election year only when required by reapportionment or to fill a vacancy or to implement
1888 Subsection (1)(b).

1889 (h) One member of the local board of education shall be elected from each local school
1890 board district.

1891 (2) A person seeking election to a local school board must have been a resident of the

1892 board district in which the person is seeking election for at least one year as of the date of the
1893 election.

1894 ~~[(2)]~~ (3) A member of a local school board shall:

1895 (a) be and remain a registered voter in the local school board district from which the
1896 member is elected or appointed; and

1897 (b) maintain ~~[his]~~ the member's primary residence within the local school board district
1898 from which the member is elected or appointed during the member's term of office.

1899 ~~[(3)]~~ (4) A member of a local school board may not, during the member's term in
1900 office, also serve as an employee of that board.